

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 16.**  
**PARTICULAR ACTIONS, PROCEEDINGS**  
**AND MATTERS.**

**CHAPTER 5.**  
**ATTACHMENT AND GARNISHMENT.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 5. ATTACHMENT AND GARNISHMENT.

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# **CHAPTER 5. ATTACHMENT AND GARNISHMENT.**

## **SUBCHAPTER I. ATTACHMENT AND GARNISHMENT GENERALLY.**

### **§ 16-501. ATTACHMENT BEFORE JUDGMENT; AFFIDAVIT AND BOND.**

(a) This section applies to any civil action in the United States District Court of the District of Columbia or the Superior Court of the District of Columbia, for the recovery of:

- (1) specific personal property;
- (2) a debt; or
- (3) damages for the breach of a contract, express or implied.

(b) In an action specified by subsection (a) of this section, the plaintiff, his agent, or attorney, may file an affidavit as provided by subsections (c) and (d) of this section either at the commencement of the action or pending the action.

(c) The affidavit shall comply with the following requirements:

- (1) show the grounds of plaintiff's claim;
- (2) set forth that plaintiff has a just right to recover what is claimed in his complaint;
- (3) where the action is to recover specific personal property, state the nature and, according to affiant's belief, the value of the property and the probable amount of damages to which plaintiff is entitled for the detention thereof;
- (4) where the action is to recover a debt, state the amount thereof; and
- (5) where the action is to recover damages for breach of a contract set out, specifically and in detail, the breach complained of and the actual damage resulting therefrom.

(d) The affidavit shall also state one of the following facts with respect to defendant:

- (1) defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months;
- (2) he evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District;
- (3) he has removed or is about to remove some or all of his property from the District, so as to defeat just demands against him;
- (4) he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or
- (5) he fraudulently contracted the debt or incurred the obligation respecting which the action is brought.

(e) Before a writ of attachment and garnishment is issued, the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment; except that in any case in which the plaintiff states in his affidavit that the value of specified property to be levied upon is less than the amount of his claim, the court may set the amount of such bond in an amount twice the value of the property being attached, and, notwithstanding the provisions of subsection (f) of this section, only the property so specified shall be levied upon; provided, that the United States marshal may, in his discretion, when levying upon such property, have the same appraised by an independent appraiser retained by the marshal at the expense of the plaintiff. Any such appraisal shall be made at the time the marshal levies upon the property, and the appraiser shall accompany him for such purpose. If such appraisal has been made, then only such

property as may have a value not exceeding one-half of the amount of the bond shall be attached. In the event the appraised value of the property shall be more than one-half of the amount of the bond, the marshal may refuse to execute the writ unless and until the amount of the bond is increased so as to be at least twice the value of the property to be attached.

(f) If the plaintiff files an affidavit and bond as provided by this section, the clerk shall issue a writ of attachment and garnishment, to be levied upon as much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff.

(Dec. 23, 1963, 77 Stat. 543, Pub. L. 88-241, § 1; Aug. 6, 1965, 79 Stat. 447, Pub. L. 89-113, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(1); Mar. 24, 1998, D.C. Law 12-81, § 10(c), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-501.

1973 Ed., § 16-501.

##### *Legislative History of Laws*

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

## **§ 16-502. SERVICE OF NOTICE; PUBLICATION.**

(a) A writ issued pursuant to section 16-501 shall require the marshal to serve a notice on the defendant, if he is found in the District, and on any person in whose possession any property or credits of the defendant may be attached, to appear in the court on or before the twentieth day, exclusive of Sundays and legal holidays after service of the notice, and show cause, if any there be, why the property so attached should not be condemned and execution thereof had. The marshal's return shall show the fact of the service.

(b) If the defendant is returned "Not to be found," the notice shall be given by publication to the following effect, namely:

In the United States District Court (Superior Court of the District of Columbia) for the District of Columbia.

A B, plaintiff,

versus Civil Action No. \_\_\_\_\_.

C D, defendant,

The object of this suit is to recover (here state it briefly) and to have judgment of condemnation of certain property of the defendant levied on under an attachment issued in this suit to satisfy the plaintiff's claim.

It is, therefore, this \_\_\_\_ day of \_\_\_\_, ordered that the defendant appear in this court on or before the fortieth day, exclusive of Sundays and legal holidays, after the day of the first publication of this order, to defend this suit and show cause why the condemnation should not be had; otherwise the suit will be proceeded with as in case of default.

By the court: \_\_\_\_\_, Judge.

(c) The order shall be published at least once a week for three successive weeks or oftener, or for such further time and in such manner as the court orders.

(Dec. 23, 1963, 77 Stat. 544, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(1).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-502.

1973 Ed., § 16-502.

## **§ 16-503. ATTACHMENT FOR DEBTS NOT DUE.**

A creditor may maintain an action and have an attachment against his debtor's property and credits,

where his debt is not yet due and payable, if the plaintiff, his agent, or attorney files in the clerk's office, at the commencement of the action, an affidavit, supported by testimony of one or more witnesses, showing the amount and justice of the claim and the time when it will be payable, and also setting forth that the defendant has removed or is removing or intends to remove a material part of his property from the District with the intent or to the effect of defeating just claims against him if only the ordinary process of law is used to obtain judgment against him, and if he also complies with the condition as to filing a bond prescribed by section 16-501. The plaintiff may not have judgment before his claim becomes due. If the attachment is quashed the action shall be dismissed, but without prejudice to a future action.

(Dec. 23, 1963, 77 Stat. 545, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-503.

1973 Ed., § 16-503.

## **§ 16-504. ADDITIONAL ATTACHMENTS.**

Upon the application of the plaintiff, his agent, or attorney, other attachments founded on the original affidavits may be issued from time to time, to be directed, executed, and returned in the same manner as the original, and without further publication, against a nonresident or absent defendant, and without additional bond, unless required by the court.

(Dec. 23, 1963, 77 Stat. 545, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-504.

1973 Ed., § 16-504.

## **§ 16-505. SUFFICIENCY OF PLAINTIFF'S BOND.**

The defendant or any other person interested in the proceedings who is not satisfied with the sufficiency of the surety or with the amount of the penalty named in the bond filed pursuant to section 16-501, may apply to the court for an order requiring the plaintiff to give an additional bond in such sum and with such security as may be approved by the court. If the plaintiff fails to comply with any such order the court may order the attachment to be quashed and any property attached or its proceeds to be returned to the defendant or otherwise disposed of, as to the court may seem proper.

(Dec. 23, 1963, 77 Stat. 545, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-505.

1973 Ed., § 16-505.

## **§ 16-506. TRAVERSING AFFIDAVITS; QUASHING WRIT OF ATTACHMENT; TRIAL OF ISSUES.**

If the defendant files affidavits traversing the affidavits filed by the plaintiff the court shall determine whether the facts set forth in the plaintiff's affidavits as ground for issuing the attachment are true, and whether there was just ground for issuing the attachment. When, in the opinion of the court, the proofs do not sustain the affidavit of the plaintiff, his agent, or attorney, the court shall quash the writ of attachment. This issue may be tried by the court or a judge at chambers after three days' notice. The issue may be tried as well upon oral testimony as upon affidavits. If the court deems it expedient, a jury may be impaneled to try the issue.

(Dec. 23, 1963, 77 Stat. 545, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-506.

1973 Ed., § 16-506.

## **§ 16-507. PROPERTY SUBJECT TO ATTACHMENT; LIENS; PRIORITIES.**

(a) An attachment may be levied on the lands and tenements, and personal chattels of the defendant not exempt by law, whether in the defendant's or a third person's possession, and whether the defendant's title to the property is legal or equitable, and upon his credits in the hands of a third person, whether due and payable or not, and upon his undivided interest in a partnership business.

(b) An attachment shall be a lien on the property attached from the date of its delivery to the marshal. When different persons obtain attachments against the same defendant the priorities of the liens of the attachments shall be according to the dates when they were so delivered to the marshal.

(Dec. 23, 1963, 77 Stat. 545, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-507.

1973 Ed., § 16-507.

## **§ 16-508. ATTACHMENT OF REAL PROPERTY.**

An attachment is sufficiently levied on the lands and tenements of the defendant by:

(1) mentioning and describing the property in an indorsement on the attachment, made by the officer to whom it is delivered for service, to the following effect:

"Levied on the following estate of the defendant, A B, to wit: (Here describe) this \_\_\_\_ day of \_\_\_\_. C D, Marshal."; and

(2) serving a copy of the attachment, with the indorsement, and the notice required by section 16-502, on the person, if any, in possession of the property.

(Dec. 23, 1963, 77 Stat. 546, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-508.

1973 Ed., § 16-508.

## **§ 16-509. ATTACHMENT OF PERSONAL PROPERTY; UNDERTAKING BY DEFENDANT OR PERSON IN POSSESSION.**

(a) An attachment shall be levied upon personal chattels by the officer taking them into his possession and custody, unless the defendant gives the officer his undertaking to be filed in the cause, with sufficient security, substantially in the form set forth in subsection (b) of this section, or unless the person in whose possession the property is attached gives the officer his undertaking to be filed in the cause substantially in the form set forth in subsection (c) of this section. In cases where such undertakings are given, the attachment is sufficiently levied by the taking of the undertaking.

(b) An undertaking by the defendant shall contain the substance of the following form:

A B, plaintiff,

versus Civil Action No. \_\_\_\_\_.

C D, defendant.

The defendant and \_\_\_\_, his surety, in consideration of the discharge from the custody of the marshal of the property seized by him, upon the attachment sued out against the defendant, on the \_\_\_\_ day of \_\_\_\_, anno Domini nineteen hundred \_\_\_\_, in the above entitled cause, appear, and submitting to the jurisdiction of the court, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, or successors or assigns, to abide by and perform the judgment of the court in the premises in relation to the property, which judgment may be rendered against any or all the parties whose names are hereto signed.

(Signed)

C D.

E F.

(c) An undertaking by the person in whose possession the property is attached shall contain the substance of the following form:

A B, plaintiff,

versus Civil Action No. \_\_\_\_\_.

C D, defendant.

Whereas by virtue of an attachment issued in the above-entitled suit, the United States marshal for the District of Columbia has attached certain property in the hands of the undersigned E F, as garnishee, namely, (here describe) of the value of \_\_\_\_ dollars; and now, therefore, E F and G H, as surety, appearing in the action, and submitting to the jurisdiction of the court, hereby undertake for themselves and each of them, their and each of their heirs, executors, and administrators to abide by the judgment of the court in relation to said property, and that if the same shall be condemned to satisfy the claim of the plaintiff, judgment may be rendered against all the undersigned for the value of the property and costs, to be executed against them, and each of them, unless the property shall be forthcoming to satisfy the judgment of condemnation.

(Signed)

E F.

G H.

The recital of the undertaking in this subsection shall contain a sufficient description of the property and its value ascertained by an appraisalment to be made under direction of the officer and returned with the writ.

(Dec. 23, 1963, 77 Stat. 546, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-509.

1973 Ed., § 16-509.

### **§ 16-510. RELEASE OF PROPERTY OR CREDITS FROM ATTACHMENT; SUFFICIENCY OF UNDERTAKING.**

(a) Either the defendant or the person in whose possession the property is attached may obtain a release of the property from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him by section 16-509, with security to be approved by the court.

(b) The plaintiff may except to the sufficiency of the undertaking accepted by the marshal and, if the exceptions are sustained, the court shall require a new undertaking, with sufficient surety, by a day to be named, in default of which the marshal shall be liable to the plaintiff on his official bond for any loss sustained by the plaintiff through the default.

(c) Either the defendant or the person in whose possession credits are attached may obtain a release of the credits from the attachment by filing an undertaking with security to be approved by the court.

(Dec. 23, 1963, 77 Stat. 547, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-510.

1973 Ed., § 16-510.

### **§ 16-511. ATTACHMENT OF CREDITS OR PARTNERSHIP INTEREST; RETENTION OF PROPERTY OR CREDITS BY GARNISHEE.**

(a) An attachment shall be levied upon credits of the defendant, in the hands of a garnishee, by serving the garnishee with a copy of the writ of attachment and of the interrogatories accompanying the writ, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment, besides the notice required by section 16-502. The undivided interest of the defendant in a partnership business may be levied upon by a similar service on the defendant's partner or partners.

(b) Where the property or credits attached or sought to be attached are held by the garnishee in the name of or for the account of a person other than the defendant, the garnishee shall retain the property or credits during the period pending determination by the court of the propriety of the attachment or the rightful owner



of the property or credits. During that period, the garnishee shall incur no liability for the retention.

(Dec. 23, 1963, 77 Stat. 547, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-511.

1973 Ed., § 16-511.

## **§ 16-512. ATTACHMENT AND LEVY UPON WAGES OF NONRESIDENT.**

An attachment issued under section 16-501 solely on the ground that the defendant is not a resident of the District of Columbia and levied upon wages as defined in section 16-571 shall be subject to the provisions of subchapter III of this chapter; except that the employer-garnishee shall pay over the wages withheld pursuant to that subchapter only pursuant to the order of the court which has jurisdiction of the case. In applying the provisions of that subchapter to any such attachment, the term "judgment debtor", as used therein, means the defendant in the case in which the attachment is issued; and the term "judgment creditor", as used therein, means the plaintiff in such case.

(Dec. 23, 1963, 77 Stat. 547, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-512.

1973 Ed., § 16-512.

## **§ 16-513. ADVANCE PAYMENT OF WAGES TO AVOID ATTACHMENT OR GARNISHMENT.**

It is unlawful for an employer to pay salary or earnings to an employee in advance of the time they are due and payable, for the purpose of avoiding or preventing an attachment or garnishment against the earnings or salary of the employee, and such an advance payment, as to the attaching creditor, is void.

After the service of one writ of attachment or garnishment on a judgment against an employer, any payment of salary or earnings thereafter before the time when the salary or earnings are due and payable made within a period of six months after the date of service of the writ or before the earlier satisfaction of the judgment, whichever is the earlier, is as to such attaching creditor presumed to be in violation of this section and casts upon the employer the burden of proving that the advance payment or payments were not for the purpose of avoiding the attachment of the salary or earnings.

(Dec. 23, 1963, 77 Stat. 548, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-513.

1973 Ed., § 16-513.

## **§ 16-514. CREDITS OR PROPERTY HELD FOR TWO OR MORE PERSONS OR IN REPRESENTATIVE CAPACITY.**

When a writ of attachment is served on a garnishee, and the garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for a person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, the credit or property is not subject to withdrawal by any person, but shall be held by the garnishee until the attachment is dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court is a complete discharge of the garnishee from all liability to any person in respect of the credit or property. The provisions of this section do not apply to a credit or property of a partnership.

(Dec. 23, 1963, 77 Stat. 548, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-514.

1973 Ed., § 16-514.

### **§ 16-515. ATTACHMENT OF JUDGMENTS AND MONEY OR PROPERTY IN HANDS OF MARSHAL.**

(a) An attachment may be levied upon debts due to the defendant upon a judgment or decree by a service similar to that directed by section 16-511 upon the debtor owing the debts. Execution may issue for the enforcement of the judgment or decree, notwithstanding the attachment, but the money collected upon the execution shall be paid into court to abide the event of the proceedings in attachment and applied as the court directs.

(b) An attachment may be levied upon money or property of the defendant in the hands of the marshal. It binds the money or property from the time of service, and is a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

(Dec. 23, 1963, 77 Stat. 548, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-515.

1973 Ed., § 16-515.

### **§ 16-516. ATTACHMENT OF MONEY OR PROPERTY IN HANDS OF EXECUTOR OR ADMINISTRATOR.**

An attachment may be levied upon money or property of the defendant in the hands of an executor or administrator, and binds the same from the time of service. If the executor or administrator makes return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, a judgment of condemnation may not be rendered as against the executor or administrator until the passage by the Superior Court of his final or other account showing money or property in his hands to which the defendant is entitled.

(Dec. 23, 1963, 77 Stat. 548, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(2).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-516.

1973 Ed., § 16-516.

### **§ 16-517. ATTACHMENT OF OTHER PROPERTY IN REPLEVIN ACTION.**

Where the action is to replevy specific personal property and it has not been replevied, other property may be attached in the action to recover damages and costs, and if a judgment is rendered for damages and costs, it shall carry the same rights as other judgments.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-517.

1973 Ed., § 16-517.

### **§ 16-518. PRESERVATION OF PROPERTY; SALE; RECEIVER.**

The court may make all orders necessary for the preservation of the property attached during the pendency of the action. When the property is perishable, or for other reasons a sale of it appears expedient, the court may order that the property be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

When it seems expedient, the court may appoint a receiver to take possession of the property. The

receiver shall give bond for the due performance of his duties, and, under the direction of the court, shall have the same powers and perform the same duties as a receiver appointed according to the practice in civil actions.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-518.

1973 Ed., § 16-518.

**§ 16-519. DEFENSES BY GARNISHEE.**

A garnishee in an attachment proceeding may make any defense available to the defendant in the action in which the garnishment is issued.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-519.

1973 Ed., § 16-519.

**§ 16-520. DEFENDING AGAINST THE ATTACHMENT; TRIAL OF ISSUES.**

A defendant, any garnishee, party to a forthcoming undertaking, or an officer who might be adjudged liable to the plaintiff by reason of the undertaking being adjudged insufficient, or a stranger to the action who may make claim to the property attached, may file an answer defending against the attachment. The answer may be considered as raising an issue without any reply, and any issue of fact made may be tried with a jury if any party so desires.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-520.

1973 Ed., § 16-520.

**§ 16-521. INTERROGATORIES TO GARNISHEE; ORAL EXAMINATION.**

(a) In any case in which a writ of attachment is issued, the plaintiff may submit interrogatories in writing, in such form as may be allowed by the rules or special order of the court, to be served on any garnishee, asking about any property of the defendant in his possession or charge, or indebtedness of his to the defendant at the time of the service of the attachment, or between the time of service and the filing of his answers to the interrogatories. The garnishee shall file his answers under oath to the interrogatories within ten days after service upon him.

(b) In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-521.

1973 Ed., § 16-521.

**§ 16-522. TRAVERSE OF GARNISHEE'S ANSWERS; TRIAL OF ISSUE; COSTS AND ATTORNEY'S FEE.**

If any garnishee answers to interrogatories that he does not have property or credits of the defendant, or has less than the amount of the plaintiff's claim, the plaintiff may traverse the answer as to the existence or amount of the property or credits, and the issue thereby made may be tried as provided by section 16-520. In such a case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable attorney's fee. If the issue is found for the plaintiff, judgment shall be rendered for him in accordance with the finding.

(Dec. 23, 1963, 77 Stat. 549, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-522.

1973 Ed., § 16-522.

### **§ 16-523. CLAIMS TO ATTACHED PROPERTY.**

Any person may file his motion and affidavit in the cause, at any time before the final disposition of the property attached or its proceeds, except where it is real property, setting forth a claim thereto or an interest in or lien upon the same, acquired before the levy of the attachment. The court, without other pleading, shall try the issues raised by the claim, with a jury if either party so requests, and make all orders necessary to protect any rights of the claimant.

(Dec. 23, 1963, 77 Stat. 550, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-523.

1973 Ed., § 16-523.

### **§ 16-524. JUDGMENT GENERALLY; CONDEMNATION OF ATTACHED PROPERTY.**

(a) If the defendant in the action has been served with process, final judgment may not be rendered against the garnishee until the action against the defendant is determined.

(b) If in such an action judgment is rendered for the defendant, the garnishee shall be discharged and shall recover his costs, and the property attached or its proceeds shall be restored to the garnishee or to the defendant, as the case may require.

(c) If in such an action judgment is rendered in favor of the plaintiff against the defendant, and it appears that the plaintiff is entitled to a judgment of condemnation of the property attached, the court shall proceed to enter such judgment in the attachment as is directed by sections 16-525 to 16-527.

(Dec. 23, 1963, 77 Stat. 550, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-524.

1973 Ed., § 16-524.

### **§ 16-525. CONDEMNATION AND SALE OF PROPERTY; PROCEEDS OF SALE UNDER INTERLOCUTORY ORDER.**

In any form of action, where specific property has been attached and remains under the control of the court, judgment of condemnation of the property shall be entered, and as much thereof as may be necessary to satisfy the demand of the plaintiff shall be sold under fieri facias. If the property was sold under interlocutory order of the court, the proceeds, or as much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

(Dec. 23, 1963, 77 Stat. 550, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-525.

1973 Ed., § 16-525.

### **§ 16-526. JUDGMENT AGAINST GARNISHEE.**

(a) When a garnishee has admitted credits in his hands, in answer to interrogatories served upon him, or the credits have been found upon an issue made as provided by this chapter, judgment shall be entered against him for the amount of credits admitted or found, not exceeding the plaintiff's claim, less a reasonable attorney's fee to be fixed by the court, and costs, and execution may be had thereon. When the credits are not immediately due and payable, execution shall be stayed until they become due.

(b) When the garnishee has failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's claim, and costs, and execution may be had thereon.

(Dec. 23, 1963, 77 Stat. 550, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-526.

1973 Ed., § 16-526.

### **§ 16-527. JUDGMENT IN CASE OF UNDERTAKING FOR RETENTION OF PROPERTY OR CREDITS.**

(a) When property or credits attached are released upon an undertaking given as provided by sections 16-509 and 16-510, and judgment in the action is rendered in favor of the plaintiff, it is a joint judgment against both the defendant and all persons in the undertaking for the appraised value of the property or the amount of the credits.

(b) When the property attached has been delivered to or retained by a garnishee, upon his executing an undertaking as provided by section 16-509, judgment of condemnation of the property shall be rendered as provided by section 16-525, and judgment shall also be entered that the plaintiff recover from the garnishee and his surety or sureties the value of the property, not exceeding the plaintiff's claim, the judgment to be entered satisfied if the property is forthcoming and delivered to the marshal, undiminished in value, within ten days after the judgment; otherwise, execution thereon may be had against the garnishee and his surety or sureties; and if the property is so delivered to the marshal the same shall be sold by him under fieri facias to satisfy the judgment of condemnation.

(Dec. 23, 1963, 77 Stat. 550, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-527.

1973 Ed., § 16-527.

### **§ 16-528. JUDGMENT PROTECTS GARNISHEE.**

A judgment of condemnation against a garnishee, and execution thereon, or payment by the garnishee in obedience to the judgment or an order of the court, is a sufficient defense to any action brought against him by the defendant in the action in which the attachment is issued, for or concerning the property or credits so condemned.

(Dec. 23, 1963, 77 Stat. 551, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-528.

1973 Ed., § 16-528.

### **§ 16-529. ATTACHMENT IN ACTIONS FOR FRAUDULENT CONVEYANCES.**

(a) Where the ground upon which an attachment is applied for is that the defendant has assigned, conveyed, or disposed of his property with intent to hinder, delay, or defraud his creditors, the attachment may be levied upon the property alleged to be so assigned or conveyed in the hands of the alleged fraudulent assignee or transferee, as a garnishee.

(b) The garnishee may have the same benefit of section 16-506 as the defendant in the action. If the court is of the opinion, upon the hearing of the affidavits filed, that the attachment ought not to have issued or to have been levied on the property claimed by the garnishee, the attachment may be quashed as to the garnishee and the levy set aside.

(c) If the levy is not set aside, the garnishee may answer that he was a bona fide purchaser from the defendant for value without notice of any fraud on the part of the defendant, and the answer shall be held to make an issue, without any further pleading in reply thereto; and issue may be tried as directed by section 16-520.

(d) When the issue is found in favor of the garnishee, judgment shall be rendered in his favor for his costs and a reasonable attorney fee. When the issue is found against the garnishee, but judgment in the action is rendered in favor of the defendant, the attachment shall be dissolved, and garnishee shall recover his costs.

(e) When the issue is found against the garnishee and judgment in the action is rendered in favor of the plaintiff against the defendant, or the defendant, not being found, has failed to appear in obedience to the order of publication against him, and when it appears upon the verdict of a jury that the claim of the plaintiff against the defendant is well founded, a judgment of condemnation of the property attached shall be rendered, as directed by section 16- 524(c).

(Dec. 23, 1963, 77 Stat. 551, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-529.

1973 Ed., § 16-529.

### **§ 16-530. TIME FOR TRIAL OF ISSUES.**

All issues raised by answers to the attachment, in any case, may be tried at the same time as the issues raised by the pleadings in the action, or separately, as may be just.

(Dec. 23, 1963, 77 Stat. 551, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-530.

1973 Ed., § 16-530.

### **§ 16-531. ATTACHMENT DOCKETS; INDEX OF ATTACHMENTS.**

The clerk of the court shall keep an attachment docket, in which, as well as in the regular docket, shall be entered all attachments levied upon real estate, with a description, in brief, of the real estate so levied upon. The attachments shall be indexed in the names of the defendant and of any person in whose possession the estate may have been levied upon.

(Dec. 23, 1963, 77 Stat. 551, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-531.

1973 Ed., § 16-531.

### **§ 16-532. OTHER REMEDIES OF JUDGMENT CREDITOR.**

Nothing herein contained deprives a judgment creditor of the right to file a civil action to enforce his judgment against an equitable interest in real or personal estate of the judgment defendant, or to have a conveyance of the real or personal estate by the defendant, made with intent to hinder, delay, and defraud his creditors, set aside.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-532.

1973 Ed., § 16-532.

**§ 16-533. ATTACHMENT PROCEEDINGS IN SUPERIOR COURT.**

The provisions of this Code relating to attachments apply to attachment proceedings in the Superior Court of the District of Columbia.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(3)(A).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-533.

1973 Ed., § 16-533.

**SUBCHAPTER II. ATTACHMENT AND  
GARNISHMENT AFTER JUDGMENT IN AID OF  
EXECUTION.**

**§ 16-541. DEFINITION AND APPLICABILITY.**

As used in this subchapter, "judgment" includes an unconditional decree for the payment of money, and this subchapter is applicable to such a decree.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-541.

1973 Ed., § 16-541.

**§ 16-542. ISSUANCE OF ATTACHMENT AFTER JUDGMENT; COSTS.**

An attachment may be issued upon a judgment either before or after or at the same time with a fieri facias. If costs are unnecessarily multiplied thereby they shall be charged to the party causing the attachment to be issued.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-542.

1973 Ed., § 16-542.

**§ 16-543. REVIVAL OF JUDGMENT UNNECESSARY.**

Attachment may be issued at any time during the life of the judgment, without issuing an order reviving the judgment previously thereto.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-543.

1973 Ed., § 16-543.

#### **§ 16-544. PROPERTY SUBJECT TO ATTACHMENT.**

An attachment may be levied upon the judgment debtor's goods, chattels, and credits.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-544.

1973 Ed., § 16-544.

#### **§ 16-545. MULTIPLE ATTACHMENTS AGAINST SAME JUDGMENT DEBTOR.**

Only one attachment upon goods, chattels, and credits of a judgment debtor may be satisfied at one time. Where more than one such attachment issued against the same judgment debtor is served on a garnishee the attachments shall be satisfied in the order in which they were served upon the garnishee. This section does not apply with respect to an attachment upon wages to which subchapter III of this chapter applies.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-545.

1973 Ed., § 16-545.

#### **§ 16-546. ATTACHMENTS OF CREDITS.**

An attachment shall be levied upon credits of the defendant, in the hands of a garnishee, by serving the garnishee with a copy of the writ of attachment and of the interrogatories accompanying the writ, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-546.

1973 Ed., § 16-546.

#### **§ 16-547. RETENTION OF PROPERTY OR CREDITS BY GARNISHEE.**

Where the property or credits attached or sought to be attached are held by the garnishee in the name of or for the account of a person other than the defendant, the garnishee shall retain the property or credits during the period pending determination by the court of the propriety of the attachment or the rightful owner of the property or credits. During that period the garnishee shall incur no liability whatsoever for the retention.

(Dec. 23, 1963, 77 Stat. 552, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-547.

1973 Ed., § 16-547.

#### **§ 16-548. ATTACHMENT OF JUDGMENTS AND MONEY OR PROPERTY IN HANDS OF MARSHAL.**



(a) An attachment may be levied upon debts due to the defendant upon a judgment or decree by a service similar to that prescribed by section 16-546 upon the debtor owing the debts.

(b) An attachment may be levied upon money or property of the defendant in the hands of the marshal. It binds the money or property from the time of service, and is a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

(Dec. 23, 1963, 77 Stat. 553, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-548.

1973 Ed., § 16-548.

**§ 16-549. ATTACHMENT OF MONEY OR PROPERTY IN HANDS OF EXECUTOR OR ADMINISTRATOR.**

An attachment may be levied upon money or property of the defendant in the hands of an executor or administrator, and binds the same from the time of service. If the executor or administrator makes return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, a judgment of condemnation may not be rendered as against the executor or administrator until the passage by the Superior Court of his final or other account showing money or property in his hands to which the defendant is entitled.

(Dec. 23, 1963, 77 Stat. 553, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(2).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-549.

1973 Ed., § 16-549.

**§ 16-550. PRESERVATION OF PROPERTY; SALE.**

The court may make all orders necessary for the preservation of the property attached. When the property is perishable, or for other reasons a sale of it appears expedient, the court may order that the property be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

(Dec. 23, 1963, 77 Stat. 553, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-550.

1973 Ed., § 16-550.

**§ 16-551. DEFENDING AGAINST THE ATTACHMENT; TRIAL OF ISSUES.**

A garnishee or stranger to the action who may make claim to the property attached may file an answer defending against the attachment. The answer may be considered as raising an issue without any reply, and any issue of fact thereby made may be tried with a jury if any party so desires.

(Dec. 23, 1963, 77 Stat. 553, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-551.

1973 Ed., § 16-551.

**§ 16-552. INTERROGATORIES TO GARNISHEE; ORAL EXAMINATION.**

(a) In any case in which a writ of attachment is issued, the plaintiff may submit interrogatories in writing, in

such form as may be allowed by the rules or special order of the court, to be served upon any garnishee, asking about any property of the defendant in his possession or charge, or indebtedness of his to the defendant at the time of the service of the attachment or between the time of service and the filing of his answers to the interrogatories. The garnishee shall file his answers, verified by a written declaration that the answers are made under the penalties of perjury, to the interrogatories within ten days after service upon him.

(b) In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

(c) Whoever willfully makes and subscribes a return, statement, or other document, pursuant to this section, that contains, or is verified by, a written declaration that it is made under the penalties of perjury, and that he does not believe to be true and correct as to every material matter, is subject to the penalties prescribed for perjury.

(Dec. 23, 1963, 77 Stat. 553, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-552.

1973 Ed., § 16-552.

**§ 16-553. TRAVERSE OF GARNISHEE'S ANSWERS; TRIAL OF ISSUE; COSTS AND ATTORNEY'S FEE.**

If a garnishee answers to interrogatories that he does not have property or credits of the defendant, or has less than the amount of the plaintiff's judgment, the plaintiff may traverse the answer as to the existence or amount of the property or credits, and the issue thereby made may be tried as provided by section 16-551. In such a case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable attorney's fee. If the issue is found for the plaintiff, judgment shall be rendered for him in accordance with the finding.

(Dec. 23, 1963, 77 Stat. 554, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-553.

1973 Ed., § 16-553.

**§ 16-554. CLAIMS TO ATTACHED PROPERTY.**

Any person may file his motion and affidavit in the cause, at any time before the final disposition of the property attached or its proceeds, except where it is real property, setting forth a claim thereto or an interest in or lien upon the same. The court, without other pleadings, shall try the issues raised by the claim, with a jury if either party so requests, and may make all orders necessary to protect any rights of the claimant.

(Dec. 23, 1963, 77 Stat. 554, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-554.

1973 Ed., § 16-554.

**§ 16-555. CONDEMNATION AND SALE OF PROPERTY; PROCEEDS OF SALE UNDER INTERLOCUTORY ORDER.**

Where the attachment has been levied upon specific property, on the return by the marshal, judgment of condemnation of the property may be entered, and as much thereof as may be necessary to satisfy the plaintiff's judgment may be sold under a fieri facias. If the property was sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

(Dec. 23, 1963, 77 Stat. 554, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-555.

1973 Ed., § 16-555.

**§ 16-556. JUDGMENT AGAINST GARNISHEE.**

(a) Subject to the provisions of subchapter III of this chapter, if a garnishee has admitted credits in his hands, in answer to interrogatories served upon him, or the credits have been found upon an issue made as provided by this chapter, judgment shall be entered against him for the amount of credits admitted or found, not exceeding the amount of the plaintiff's judgment, and costs, and execution shall be had thereon not to exceed the credits in his hands. When the credits are not immediately due and payable, execution shall be stayed until they become due.

(b) When the garnishee has failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's judgment and costs, and execution may be had thereon.

(Dec. 23, 1963, 77 Stat. 554, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-556.

1973 Ed., § 16-556.

## **SUBCHAPTER III. ATTACHMENT AND GARNISHMENT OF WAGES, ETC.**

**§ 16-571. DEFINITIONS.**

For purposes of this subchapter --

(1) The term "wages" means compensation paid or payable for personal services whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(2) The term "disposable wages" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(3) The term "garnishment" means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt.

(4) The term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(Dec. 23, 1963, 77 Stat. 554, Pub. L. 88-241, § 1; Dec. 17, 1971, 85 Stat. 678, Pub. L. 92-200, § 5; Apr. 4, 2006, D.C. Law 16-79, § 4(a), 53 DCR 1035.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-571.

1973 Ed., § 16-571.

*Effect of Amendments*

D.C. Law 16-79 added par. (4).

*Legislative History of Laws*

Law 16-79, the "Domestic Partnership Equality Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-52 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on December 6, 2005, and January 4, 2006, respectively. Signed by the Mayor on January 26, 2006, it was assigned Act No. 16-265 and transmitted to both Houses of Congress for its review. D.C. Law 16-79 became effective on April 4, 2006.

## **§ 16-571.01. ENFORCEMENT OF SUPPORT ORDERS BY ATTACHMENT OR GARNISHMENT.**

Notwithstanding any other provision of this subchapter, a notice or order to withhold issued to enforce a support order pursuant to subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be implemented according to the procedures, limitations, and requirements of subchapter I of Chapter 2 of Title 46.

(May 12, 2006, D.C. Law 16-100, § 2(b), 53 DCR 1886; Mar. 25, 2009, D.C. Law 17-353, § 111(a)(1), 56 DCR 1117.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 17-353 substituted "subchapter I of Chapter 2" for "Subchapter I of Chapter 2" and substituted "subchapter I of Chapter 2 of Title 46" for "the act".

#### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2(b) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16-42, December 10, 2005, law notification 52 DCR 11038).

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2(a) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) addition, see § 2(b) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

Law 16-100, the "Income Withholding Transfer and Revision Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-319 which was referred to the committee on Judiciary. The Bill was adopted on first and second readings on January 4, 2006, and February 7, 2006, respectively. Signed by the Mayor on February 27, 2006, it was assigned Act No. 16-302 and transmitted to both Houses of Congress for its review. D.C. Law 16-100 became effective on May 12, 2006.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

## **§ 16-572. ATTACHMENT OF WAGES; PERCENTAGE LIMITATIONS; PRIORITY OF ATTACHMENTS.**

Notwithstanding any other provision of subchapter II of this chapter, where an attachment is levied upon wages due a judgment debtor from an employer-garnishee, the attachment shall become a lien and a continuing levy upon the gross wages due or to become due to the judgment debtor for the amount specified in the attachment to the extent of:

- (1) 25 per centum of his disposable wages that week, or
- (2) the amount by which his disposable wages for that week exceed thirty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) in effect at the time the wages are payable,

whichever is less. In the case of wages for any pay period other than a week, the Mayor of the District of Columbia shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

The levy shall be a continuing levy until the judgment, interest, and costs thereof are fully satisfied and paid, and in no event may moneys be withheld, by the employer-garnishee from the judgment debtor, in amounts greater than those prescribed by this section. Only one attachment upon the wages of a judgment debtor may be satisfied at one time. Where more than one attachment is issued upon the wages of the same judgment debtor and served upon the same employer-garnishee, the attachment first delivered to the marshal shall have priority, and all subsequent attachments shall be satisfied in the order of priority set forth in section 16-507.

(Dec. 23, 1963, 77 Stat. 555, Pub. L. 88-241, § 1; Dec. 17, 1971, 85 Stat. 678, Pub. L. 92-200, § 6; Apr. 30, 1988, D.C. Law 7-104, § 4(f), 35 DCR 147; Mar. 24, 1998, D.C. Law 12-81, § 10(d), 45 DCR 745.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 16-572.

1973 Ed., § 16-572.

### *Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-501.

## **§ 16-573. EMPLOYER'S DUTY TO WITHHOLD AND MAKE PAYMENTS; PERCENTAGE.**

(a) Except as provided in subsection (b) of this section, an employer upon whom an attachment is served, and who:

(1) at the time is indebted for wages to an employee who is the judgment debtor named in the attachment; or

(2) becomes so indebted to the judgment debtor in the future --

shall, while the attachment remains a lien upon such indebtedness, withhold and pay to the judgment creditor, or his legal representative, within 15 days after the close of the last pay period of the judgment debtor ending in each calendar month, that percentage of the gross wages payable to the judgment debtor for the pay period or periods ending in such calendar month to which the judgment creditor is entitled under the terms of this section until the attachment is wholly satisfied.

(b) Upon written notice of any court proceeding attacking the attachment or the judgment on which it is based, the employer shall make no further payments to the judgment creditor or his legal representative until receipt of an order of court terminating the proceedings.

(c) Any payments made by an employer-garnishee in conformity with this section shall be a discharge of the liability of the employer to the judgment debtor to the extent of the payment.

(d) Under this section the employer-garnishee shall not withhold or pay over more than 10 per centum of the gross wages payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals \$200, nor more than 20 per centum of the gross wages in excess of \$200 payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals \$500.

(Dec. 23, 1963, 77 Stat. 555, Pub. L. 88-241, § 1; Feb. 24, 1987, D.C. Law 6-166, § 33(a)(1), 33 DCR 6710; May 12, 2006, D.C. Law 16-100, § 2(c), 53 DCR 1886.)

## *HISTORICAL AND STATUTORY NOTES*

### *Prior Codifications*

1981 Ed., § 16-573.

1973 Ed., § 16-573.

### *Effect of Amendments*

D.C. Law 16-100, in subsec. (b), deleted "; except that, in the case of child support judgments, the employer shall continue to withhold the payments from the judgment debtor until receipt of an order of the court terminating the withholding" following "proceedings".

### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(c) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16- 42, December 10, 2005, law notification 52 DCR 11038).

### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(c) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(c) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

### *Legislative History of Laws*

Law 6-166, the "District of Columbia Child Support Enforcement Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-134, which was referred to the Committee on Human Services and reassigned to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 8, 1986, and September 23, 1986, respectively. Signed by the Mayor on October 9, 1986, it was assigned Act No. 6-212 and transmitted to both Houses of Congress for its review.

For D.C. Law 16-100, see notes following § 16-571.01.

#### **§ 16-574. JUDGMENT CREDITOR TO FILE RECEIPTS, IN COURT, OF AMOUNT COLLECTED.**

(a) The judgment creditor shall:

- (1) file with the clerk of the court, every three months after the serving of an attachment upon an employer-garnishee, a receipt showing the amount received and the balance due under the attachment as of the date of filing;
- (2) file a final receipt with the court and furnish a copy thereof to the employee-garnishee; and
- (3) obtain a vacation of the attachment within 20 days after the attachment has been satisfied.

(b) If the judgment creditor fails to file any of the receipts prescribed by subsection (a) of this section, an interested party may move the court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith. The court may, in its discretion, enter judgment for any damages, including a reasonable attorney's fee suffered by, and tax costs in favor of, the party filing the motion to compel the accounting.

(Dec. 23, 1963, 77 Stat. 556, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-574.

1973 Ed., § 16-574.

#### **§ 16-575. JUDGMENT AGAINST EMPLOYER-GARNISHEE FOR FAILURE TO PAY PERCENTAGES.**

If the employer-garnishee fails to pay to the judgment creditor the percentages prescribed in this subchapter of the wages which become payable to the judgment debtor for any pay period, judgment shall be entered against him for an amount equal to the percentages with respect to which the failure occurs.

(Dec. 23, 1963, 77 Stat. 556, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-575.

1973 Ed., § 16-575.

#### **§ 16-576. LAPSE OF ATTACHMENT UPON RESIGNATION OR DISMISSAL OF EMPLOYEE.**

If a judgment debtor resigns or is dismissed from his employment while an attachment upon his wages is wholly or partly unsatisfied, the attachment shall lapse and no further deduction may be made thereon unless the judgment debtor is reinstated or reemployed within 90 days after the resignation or dismissal.

(Dec. 23, 1963, 77 Stat. 556, Pub. L. 88-241, § 1.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 16-576.

1973 Ed., § 16-576.

#### **§ 16-577. APPLICABILITY OF PER CENTUM LIMITATIONS TO JUDGMENT FOR SUPPORT.**

The per centum limitations prescribed by section 16-572 do not apply in the case of execution upon a judgment, order, or decree of any court of the District of Columbia for the payment of any sum for the support or maintenance of a person's spouse or former spouse, domestic partner or former domestic partner, or children, and any such execution, judgment, order, or decree shall, in the discretion of the court, have priority over any other execution which is subject to the provisions of this subchapter. In the case of execution upon such a judgment, order, or decree for the payment of such sum for support or maintenance, the limitation shall be 50 per centum of the gross wages due or to become due to any such person for the pay period or periods ending in any calendar month, except that a notice or order to withhold issued pursuant to subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be subject to the limitations stated in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(Dec. 23, 1963, 77 Stat. 556, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 13, 23 DCR 2544; Apr. 4, 2006, D.C. Law 16-79, § 4(b), 53 DCR 1035; May 12, 2006, D.C. Law 16-100, § 2(d), 53 DCR 1886; Mar. 25, 2009, D.C. Law 17-353, § 111(a)(2), 56 DCR 1117.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-577.

1973 Ed., § 16-577.

##### *Effect of Amendments*

D.C. Law 16-79 substituted "a person's spouse or former spouse, domestic partner or former domestic partner, or children," for "a person's spouse, or former spouse, or children,".

D.C. Law 16-100 substituted ", except that a notice or order to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be subject to the limitations stated in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b))." for the period at the end of the second sentence.

D.C. Law 17-353 substituted "subchapter I of Chapter 2" for "Subchapter I of Chapter 2".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(d) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16- 42, December 10, 2005, law notification 52 DCR 11038).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(d) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(d) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

##### *Legislative History of Laws*

Law 1-87, the "Anti-Sex Discriminatory Language Act," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976, and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

For Law 16-79, see notes following § 16-571.

For D.C. Law 16-100, see notes following § 16-571.01.

For Law 17-353, see notes following § 16-571.01.

## **§ 16-578. SUPERIOR COURT JUDGMENTS; LAPSE; VALIDITY.**

An attachment issued by the Superior Court of the District of Columbia upon a judgment of that court duly filed and recorded, and levied within twelve years from the date of the judgment upon the wages due or to become due to the judgment debtor from the employer-garnishee, shall not lapse or become invalid prior to complete satisfaction solely by reason of the expiration of the period of limitation set forth in section 15-101.

(Dec. 23, 1963, 77 Stat. 557, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(3)(A), (b)(4).)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-578.

1973 Ed., § 16-578.

**§ 16-579. PAYMENTS BY EMPLOYER-GARNISHEE WHERE EMPLOYEE HAS NO SALARY OR SALARY INADEQUATE FOR SERVICES RENDERED.**

Where the judgment debtor claims or is proved to be rendering services to or employed by a relative or other person or by a corporation owned or controlled by a relative or other person, without salary or compensation, or at a salary or compensation so inadequate as to satisfy the court that the salary or compensation is merely colorable and designed to defraud or impede the creditors of the debtor, the court may direct the employer-garnishee to make payments on account of the judgment, in installments, based upon a reasonable value of the services rendered by the judgment debtor under his employment or upon the debtor's then earning ability.

(Dec. 23, 1963, 77 Stat. 557, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-579.

1973 Ed., § 16-579.

**§ 16-580. QUASHING ATTACHMENT WHERE JUDGMENT OBTAINED TO HINDER JUST CLAIMS.**

Where an attachment levied under this subchapter is based upon a judgment obtained by default or consent without a trial upon the merits, the court, upon motion of an interested person, may quash the attachment upon satisfactory proof that the judgment was obtained without just cause and solely for the purpose of preventing or delaying the satisfaction of just claims.

(Dec. 23, 1963, 77 Stat. 557, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-580.

1973 Ed., § 16-580.

**§ 16-581. RULES OF PROCEDURE.**

The judges of the Superior Court of the District of Columbia and of the United States District Court for the District of Columbia shall establish such rules of procedure for their respective courts as may be necessary to effectuate the purposes of this subchapter.

(Dec. 23, 1963, 77 Stat. 557, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(b)(5).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-581.

1973 Ed., § 16-581.

**§ 16-582. ATTACHMENTS TO WHICH THIS SUBCHAPTER IS APPLICABLE.**

This subchapter applies only with respect to attachments upon wages, as defined by section 16-571, issued on or after 60 days from August 4, 1959. Unless otherwise specified, this subchapter does not apply to notices or orders to withhold issued pursuant to subchapter I of Chapter 2 of Title 46.

(Dec. 23, 1963, 77 Stat. 557, Pub. L. 88-241, § 1; May 12, 2006, D.C. Law 16-100, § 2(e), 54 DCR 1886; Mar. 25, 2009, D.C. Law 17-353, § 111(a)(3), 56 DCR 1117.)

*HISTORICAL AND STATUTORY NOTES*



*Prior Codifications*

1981 Ed., § 16-582.

1973 Ed., § 16-582.

*Effect of Amendments*

D.C. Law 16-100 added "Unless otherwise specified, this subchapter does not apply to notices or orders to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46." to the end.

D.C. Law 17-353 substituted "subchapter I of Chapter 2" for "Subchapter I of Chapter 2".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(e) of the Income Withholding Transfer and Revision Temporary Amendment Act of 2005 (D.C. Law 16- 42, December 10, 2005, law notification 52 DCR 11038).

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(e) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(e) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For D.C. Law 16-100, see notes following § 16-571.01.

For Law 17-353, see notes following § 16-571.01.

**§ 16-583. NO GARNISHMENT BEFORE JUDGMENT.**

(a) Except as otherwise provided in the District of Columbia Child Support Enforcement Amendment Act of 1985 or as provided in the D.C. Official Code, section 16-916, before entry of a judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

(b) The holder who is served an order of withholding under this subchapter may deduct and retain from the obligor's earnings or other income an additional \$2.00 over the withholding amount for expenses incurred as a result of the withholding.

(Dec. 17, 1971, 85 Stat. 679, Pub. L. 92-200, § 7; Feb. 24, 1987, D.C. Law 6-166, § 33(a)(2), 33 DCR 6710.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-583.

1973 Ed., § 16-583.

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 16-573.

*References in Text*

The "District of Columbia Child Support Enforcement Amendment Act of 1985," referred to in subsection (a), is D.C. Law 6-166 which is codified principally as § 46-201 et seq.

**§ 16-584. NO DISCHARGE FROM EMPLOYMENT FOR GARNISHMENT.**

No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment.

(Dec. 17, 1971, 85 Stat. 679, Pub. L. 92-200, § 7.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-584.

1973 Ed., § 16-584.