

FORM SUMMARY

Name of Form: Earnings Garnishment – Objection to Debtor’s Answer and Demand for Hearing

Form Number: CV-425

Statutory Reference: §§812.38 and 812.44(6), Wisconsin Statutes

Purpose of Form: This form allows a creditor who objects to the answer provided by the debtor to seek a hearing in court to review the appropriateness of the debtor's claims. This document will re-initiate the court process. All other activity since filing the earnings garnishment notice (CV-421) will have taken place without any court involvement.

Who Completes It: Creditor.

Distribution of Form: Court, copy to debtor and garnishee.

Accompanying Forms: Debtor's answer (CV-424).

New Form/Modification: Modified; last update 07/01.

Modifications: Pursuant to 2019 WI Act 30, updated to add party/attorney address, email address and telephone number.

Comments: When the earnings garnishment statutes were changed in 1993, the requirement that a copy of the debtor's answer be filed with the clerk of courts was removed. Experience has shown that when the creditor files this objection to the debtor's answer with the clerk of courts the court has no copy of the debtor's answer for reference when examining the creditor's objection to the answer. While there are other non-statutory solutions to this problem, the most convenient appears to be a modification to this form with the instruction that a copy of the debtor's answer be attached when filing this objection.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.