

Resources for More Information

To file a complaint with state government:
South Carolina Department of Consumer Affairs

Webpage: www.consumer.sc.gov

For general questions
about consumer education:

Consumer Financial Protection Bureau

Webpage: www.consumerfinance.gov

If you would like to seek assistance
of private legal counsel:

SC Bar Lawyer Referral Service

Telephone: 803-799-7100

Toll-free: 800-868-2284

Webpage: <http://www.scbarr.org/PublicServices/FindALawyer/default.asp.aspx>

South Carolina Appleseed LJC

PO Box 7187, Columbia SC, 29202

Email: scaljc@scjustice.org

National Consumer Law Center

www.nclc.org

National Association of Consumer Advocates

www.naca.net

Federal Trade Commission

www.ftc.gov

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

Consumer Cases Handled:

Auto Fraud
Small Claims
Claim and Delivery
Foreclosures
Bankruptcy
Other Consumer Matters

Other Legal Representation

Education
Employment
Family
Federal Income Tax
Housing
Migrant Farm Workers
Probate
Public Benefits



**South Carolina
Legal Services**

Balancing the Scales of Justice

Wage Garnishment in South Carolina



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc



South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice



What is wage garnishment?

- In S.C. a wage garnishment occurs when your employer (the garnishee) withholds a portion of your paycheck in compliance with a statute or court order requiring payment to a third party.
- A S.C. employer should only honor a garnishment order from a S.C. court, not from the court of any other state.
- Wages can be garnished only when money is owed to the government, when money is owed for child or spousal support, or when a garnishment order has been entered in another state while you were a resident there but you later move to South Carolina.
- Debt collectors threaten and even attempt to use wage garnishment in S.C. even when it violates the law.

Can creditors lawfully garnish my wages in South Carolina?

Most private creditors have no ability to garnish wages in South Carolina, but government creditors seeking payment for debts owed under state or federal law have the legal ability to garnish wages in certain circumstances.

Can my wages be garnished for collection of a judgment in South Carolina?

Your wages CANNOT be garnished for collection of a debt or a judgment incurred here in South Carolina.

Wage garnishment is prohibited in South Carolina

EXCEPT in 3 cases:

1. If money is owed to the government (i.e., unpaid taxes, defaulted federal student loans)
2. If money is owed for child or spousal support (but a court order for garnishment is required).
3. If a garnishment order has been entered in another state while the consumer was a resident there but the consumer later moves to South Carolina.



Your employer must notify you before garnishing your wages

The South Carolina Payment of Wages Act requires your employer to provide you with written notification of your wages and working hours, place of payment and a list of itemized deductions from wages.

Because the employer is subject to penalties for violating a court ordered garnishment, you should act quickly to obtain an attorney and challenge the garnishment if you believe it is not warranted under the law.

Tips to follow to make sure that a wage garnishment order is proper:

1. All valid and enforceable wage garnishments for consumer debt should be supported by a South Carolina court order.
2. The order should detail the maximum percentage of disposable income to be garnished.
3. If garnishment is sought without a valid court order and/or without limitations, consult an attorney as soon as possible.

For more information, visit www.lawhelp.org/sc to view the Powerpoint entitled Wage Garnishment and the Infographic entitled No Wage Garnishment of Consumer Debt in South Carolina with one exception

