

# Your benefits are protected from garnishment

Federal benefits get special protections. If you receive Social Security or VA benefits by direct deposit, your bank must protect two months' worth of benefits from garnishment.

## What is garnishment?

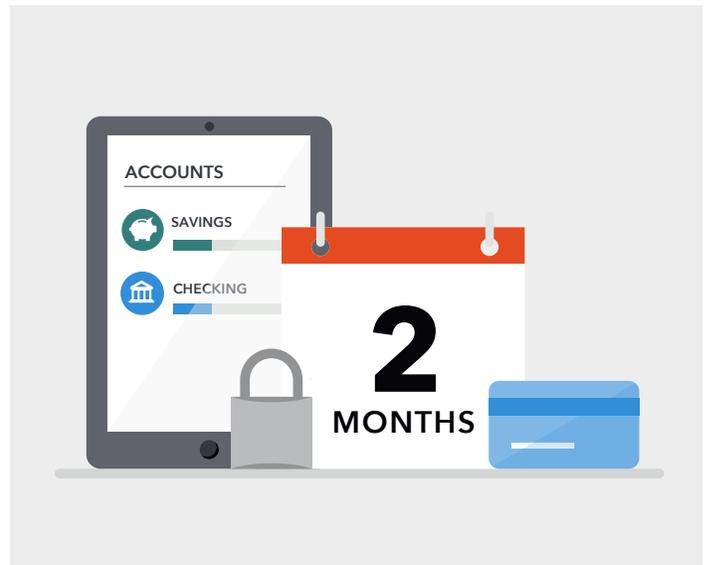
When a collector wins a lawsuit against you for a debt, it can ask your bank or credit union to turn over money in your bank account to pay the debt. This is called garnishment. A certain amount of your Social Security and VA benefits are automatically protected from garnishment.

## Here's an example.

If you receive \$1,000 in Social Security each month, your bank will see that \$2,000 in Social Security was direct deposited in the last two months. The bank must allow you to continue using up to \$2,000 in the account.

But if you have \$3,000 in your account, the bank can freeze \$1,000 of the \$3,000. It still has to let you use the \$2,000.

If your bank freezes any money in your account, it must send you a notice. Then, a judge decides whether your money should be turned over to the debt collector.



It is very important for the judge to know that your money comes from Social Security or VA benefits.

You can seek help from a lawyer. If you can't afford a lawyer, you may be eligible for free legal help.

## Benefits on a prepaid card

If your benefits are loaded onto a Direct Express card or into another prepaid account, they are automatically protected from garnishment just like money in a checking account.

## Exceptions

Social Security and Social Security Disability Insurance (SSDI) can generally be garnished to pay

government debts such as back taxes or federal student loans, and debts for child or spousal support. But some need-based benefits, such as Supplemental Security Income (SSI), are protected from garnishment—even to pay a government debt or child or spousal support.

## More money may be protected.

Other federal and state laws may protect money from other sources. Consider seeking legal help.

## Finding legal help

- If you can't afford a lawyer, you may qualify for free legal services.
- The Center for Elder Rights Advocacy can refer you to a local agency that provides free legal help to seniors who qualify. You can call the Center for Elder Rights Advocacy at: 866-949-2372 or visit: [www.legalhotlines.org](http://www.legalhotlines.org)
- You can also find lawyer referral services and your local legal services program at: [FindLegalHelp.org](http://FindLegalHelp.org)

## Contact us



Online

[consumerfinance.gov/older-americans](http://consumerfinance.gov/older-americans)



By email

[olderamericans@cfpb.gov](mailto:olderamericans@cfpb.gov)



Submit a complaint

Online

[consumerfinance.gov/complaint](http://consumerfinance.gov/complaint)

By phone

855-411-CFPB (2372);

TTY/TDD 855-729-CFPB (2372);

8 a.m. to 8 p.m. Eastern Time,

Monday-Friday

By fax

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