

Proposed Rule on Garnishment

This proposes a new Local Rule 22 on garnishment, to improve the efficiency and accuracy of garnishment filings.

Rule 22. Garnishment

(A) Filing Requirements

1. A party seeking a garnishment of personal earnings or property must comply with the applicable provisions of R.C. Chapter 2716.
2. All parties filing a garnishment must use the applicable approved forms located on the Cleveland Municipal Court website (under “Find a Form” on the homepage). Any garnishment submitted on a different form will not be accepted for filing or will be automatically dismissed.
3. In addition to the information required by R.C. § 2716.03, a party filing a garnishment affidavit must attach a copy of the underlying judgment issued against the judgment debtor or must show good cause why such documentation cannot be provided. If a copy of the judgment is not provided, the party seeking garnishment must include with the affidavit the amount of the judgment, the interest rate on the judgment, and the date the interest began to accrue.

(B) Electronic Filing

1. All affidavits in personal earnings garnishment proceedings under R.C. Chapter 2716 that are filed by an attorney shall be filed electronically with the Clerk of Courts. In cases where the judgment creditor is not represented by an attorney, the affidavit may be filed either on paper or electronically. If the filing is not by electronic means, sufficient paper copies of the affidavit shall be provided to the clerk of courts for service upon the garnishee and such parties as are required to be served, and the garnishee fee shall accompany the affidavit.
2. An attorney may request leave of court to file affidavits in personal earnings garnishment proceedings on paper.
3. All affidavits in other than personal earnings garnishment proceedings shall be filed on paper with the required bank payments attached.

(C) Amendment of Incomplete or Incorrect Filings

The Court may permit a party to amend an incomplete or incorrect garnishment filing. A party may correct the garnishment filing by filing an amended affidavit and proposed orders (with appropriate copies if not e-filing) within twenty days from the issuance of the court's notice. Failure to timely provide any information necessary for the court to process the garnishment shall result in dismissal for want of prosecution at the judgment creditor's costs.