

642.2 Garnishment of public employer.

1. The state of Iowa, and all of its governmental subdivisions and agencies, may be garnished, only as provided in [this section](#) and the consent of the state and of its governmental subdivisions and agencies to those garnishment proceedings is hereby given. However, notwithstanding the requirements of [this chapter](#), income withholding notices shall be served on the state, and all of its governmental subdivisions and agencies, pursuant to the requirements of [chapter 252D](#).

2. Garnishment pursuant to [this section](#) may be made only upon a judgment against an employee of the state, or of a governmental subdivision or agency thereof.

3. No debt of the garnishee is subject to garnishment other than the wages of the public employee.

4. Notwithstanding [subsections 2, 3, 6, and 7](#), any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to [chapter 556](#), and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by child support services if child support services is providing enforcement services pursuant to [chapter 252B](#). Any moneys that are determined payable by the treasurer pursuant to [section 556.20, subsection 2](#), to the child support obligor shall be subject to setoff pursuant to [section 421.65](#), notwithstanding any administrative rule pertaining to child support services limiting the amount of the offset.

5. Except as provided in [subsection 1](#), service upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in [section 642.5](#), by certified mail or by personal service upon the attorney general, county attorney, city attorney, secretary of the school district, or legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

6. If it is established that the garnishee owed wages to the defendant at the time of being served with the notice of garnishment, judgment shall be entered, subject to the requirement of [section 642.14](#) against the garnishee in an amount not exceeding the amount recoverable upon the judgment against the defendant employee, but in no event shall the judgment granted be for any amount in excess of that permitted by [section 642.21](#) and [section 537.5105](#).

7. A judgment in garnishment issued pursuant to [this section](#) shall be enforceable against a garnishee only to the extent of the defendant's wages actually in the possession of the garnishee, and shall not be enforceable against any property, claims or other rights of the garnishee.

8. A person garnisheed pursuant to [this section](#) shall be subject to the provisions of [this chapter](#) not inconsistent with [this section](#).

[R60, §3196; C73, §2976; C97, §3936; C24, 27, 31, 35, 39, §12159; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §642.2; 81 Acts, ch 200, §1]

92 Acts, ch 1195, §209; 97 Acts, ch 175, §240; 2008 Acts, ch 1187, §127; 2020 Acts, ch 1064, §25, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §1286

Referred to in [§96.3](#)

2020 amendment to subsection 4 by 2020 Acts, ch 1064, §25, is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsection 4 amended