

April 15, 2020

Chris Carr
Attorney General
40 Capital Square, SW
Atlanta, GA 30334

Dear Attorney General Carr:

First, we want to thank you for the quick action you took along with the Governor in the early days of the Covid-19 crisis to prevent price gouging and warn consumers of the risks of scams.

We write now to ask for your leadership to help protect vulnerable Georgians from garnishment of exempt funds. Federal CARES Act stimulus checks are being deposited into bank accounts of almost all Georgians beginning this week. As you know, under O.C.G.A. Section 18-4-6(b), the Attorney General has authority to notify the clerks of state court regarding funds that are exempt from garnishment. The code provides that the Attorney General “shall create and maintain on the Department of Law’s website a list of exemptions that a defendant may be allowed by law to claim in relation to a garnishment of his or her earnings or property. The Attorney General shall revise such list when exemptions are repealed, revised, or created by law. The Attorney General shall transmit a copy of such list to each clerk of court in this state who issues summonses of garnishment and transmit a revised list when a change is made to such list.” O.C.G.A. § 18-4-6(b).

Congress authorized the stimulus payments in order to “provide emergency assistance” for “individuals, families, and businesses affected by the 2020 coronavirus pandemic.”¹ Moreover, Section 2201(d) of the Act states that the stimulus payments shall not be subject to seizure for certain debts.

Given the passage of the CARES Act, we request that you re-issue the list of exemptions to include these stimulus payments, transmit it to the clerks of Georgia trial courts, issue a press release about the exemption for CARES Act payments, and post information on your office’s web site home page of COVID-19 resources stating that these funds are exempt from garnishment as specified by the CARES Act.

Thank you in advance for your time and attention to these issues impacting struggling Georgians.

Very respectfully,
Steve Gottlieb
Atlanta Legal Aid Society

Rick Ruffalo
Georgia Legal Services Program

Liz Coyle
Georgia Watch

¹ The Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136.