

# BANKRUPTCY <sup>UP</sup>DATE

## July 5, 2016

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### **Change in South Dakota Garnishment Law**

S.D.C.L. § 21-18-51 was revised effective July 1, 2016, and now provides that the maximum part of a wage earner's disposable earnings subject to garnishment may not exceed the lesser of 20 percent of disposable earnings for the workweek or the amount by which disposable earnings for the week exceed 40 times the federal minimum hourly wage **or the state minimum wage if greater**. A higher percentage of earnings may be garnished to collect court ordered support debts. You may wish to review S.D.C.L. Chapter 21-18 since other minor changes have been made to the garnishment process.

### **South Dakota Filings Up 2 Percent in 2016**

In the first six months of this year 602 bankruptcy cases were filed in South Dakota, an increase of two percent from the number of bankruptcies filed in the first half of last year. June filings increased from 96 in 2015 to 117 last month.

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