

You also should tell the bank that your account has funds that are exempt from garnishment under federal law and ask that the freeze be lifted immediately. In addition, you should ask that your bank waive or refund NSF fees resulting from the freeze. If the bank refuses to release your exempt funds from the freeze, you probably have to go to court. If the judge decides that your funds are exempt, the bank will be required to lift the freeze.

Exempt Funds

What do I have to do to get the judge to keep creditors from obtaining the exempt funds in my bank account?

You or your attorney will want the judge to decide that the funds in your bank account are exempt under federal law. This will usually involve a hearing before a judge. You should be prepared to submit any documentation that you have showing that your bank account contains exempt funds. If the federal government provided your benefits through electronic deposits, you should submit documents showing these deposits and their source. If the federal government provided your benefits through paper checks you deposited in the bank, you should submit bank deposit slips, statements from the agency that is the source of the exempt funds, bank account statements, or other documents demonstrating that the account contains exempt funds. If you can show the judge that your bank account contains funds exempt under federal law, the judge will not allow the creditor to obtain these funds to pay the judgment against you (or to collect these funds as fees).

What should I do next if the judge issues an order saying that funds in my bank account are exempt?

You should show the judge's order to your bank and demand that the bank lift its freeze on your exempt funds, if it has not already done so. In addition, you should ask your bank to waive or refund any NSF or other fees resulting from the freeze.

For More Information

Garnishment: Read [Federal Benefits and Bank Account Garnishment](#).

Benefit Receipt: Visit the [Social Security Administration site](#) to find out about receiving your federal benefits by direct deposit or the Direct Express debit card.

Legal Aid: [LawHelp](#) helps low and moderate income people find free legal aid programs in their communities, and answers to legal questions related to housing, work, family, bankruptcy, disability, immigration and other topics.

This article was previously available as *Creditors Seeking Federal Benefits in Your Bank Account? Understanding Your Rights*.

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