

# Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio

www.communitylegalaid.org

---

How can I protect my

## How can I protect my bank account from a creditor?

It is important to know how to protect the money in your bank account from creditors.

A creditor may ask the court if they can take money out of your bank account. This is called a bank attachment, or non-wage garnishment. If you have more than \$500 in your account, this can happen.

Here's what you can expect:

1. The creditor has to let you know they plan to remove this money, and a hearing will be scheduled at the court where the creditor sued you.
2. You should get a notice of that hearing at least 7 days beforehand.
3. You **MUST** tell the court in writing that you want the hearing within 5 days of getting the notice. When you receive the notice from the court, it should include a form for you to fill out, which will inform the court of whether or not you want the hearing. You can see an example of this form here. This sample is based off of the Summit County Clerk of Courts example, but should apply in most situations.
4. When you attend the hearing, bring proof that your money is uncollectible, such as statements showing the money being deposited from a protected source, like cash assistance or social security.
5. You may not be able to access money in this bank account while you wait for the court's

decision.

Money in your bank account may also be protected if it comes only from a protected source of income. You can learn more about protected sources of income [here](#). For example, if the only money in your account comes from social security, then the creditor cannot take it, but you need to prove to the court that it's protected. Take bank statements, award letters, and any other related proof that shows the money in the account is uncollectible.

This brings up a very important point about bank accounts. If you share an account with someone else, it is quite possible money can be taken from both of you. For example, if you get money from social security, but your significant other puts their paycheck in the same bank account, your money may be taken. Even though your social security money is uncollectible, the other person's paycheck is collectible. And when the money goes into the same account, it's no longer protected. This is called "co-mingling" funds. If this is your situation, it's a good idea to keep separate accounts to keep this from happening.

---

Printed: October 20, 2020

<http://www.communitylegalaid.org/node/1358/how-can-i-protect-my-bank-account-creditor>

©Community Legal Aid