

DEBT COLLECTION COURT CASES

WAGE GARNISHMENTS

BANK ACCOUNT GARNISHMENTS

NOTE: The information provided by Legal Aid of Nebraska is for informational purposes only. You should not rely solely upon this information in regard to you and your unique circumstances. You should always consult with an attorney regarding the laws and your rights. As the COVID-19 public health situation changes and evolves, different branches of our government will continue to issue new laws and regulations. While Legal Aid of Nebraska strives to keep the information on this page up to date, the information provided here may change on a day-to-day basis.

I have been sued/there is a court action filed against me for not paying a debt, what should I do?

Once you are served with a lawsuit, either by personal service, certified mail, or residential service (the complaint is left at your home), you have thirty days to file an Answer to the lawsuit. If you do not file an Answer, the creditor is able to get a judgment against you. You will not receive further notice of a hearing before the judgment is entered against you.

It may not matter that there is a judgment against you. You may be collection proof or simply do not have a defense to the lawsuit.

For help figuring out how to proceed after you've been sued, please follow this [link](#) to LawHelp Nebraska, an interactive program that can lead you through questions to figure out what to do and how to draft and file an answer.

You can apply for help by [calling Legal Aid](#) or [applying online](#) through LawHelp Nebraska.

My paycheck or bank account has been garnished. What should I do?

If your paycheck or bank account has been garnished, you need to act quickly to get your money back.

You can apply for help by [calling Legal Aid](#). Please call as soon as you receive a notice that your bank account or wages will be garnished.

For help figuring out how to proceed after you've been garnished, please follow this [link](#) to Law Help Nebraska, an interactive program that can lead you through questions to figure out who is taking your money and whether you can get it back or reduce the amount being taken. Please be aware that objections to garnishment will mean that the court will schedule a hearing to address your issue. It is sometimes possible to appear at hearings telephonically. Please see the section below for a sample motion and order to appear telephonically if you request a hearing because your bank account or wages have been garnished.

I have a court hearing scheduled in my collection case. What should I do?

The courts in Nebraska are responding differently to the COVID-19 pandemic. Some court houses are closed to the public and you must telephone court staff to get admittance to the court houses. Other court houses are holding some types of hearings, but not all types of hearings. And other court houses are holding hearings as usual. Legal Aid of Nebraska suggests that you start making your decision about what to do by calling the court house to determine how the County Court judge is proceeding right now. Here is a [link](#) to the contact information for every county court clerk's office.

Some hearings are not an emergency and could be continued until a later date. For example, you could request to continue a debtor's examination or a revival of a judgment. Legal Aid of Nebraska has prepared forms and instructions to obtain a continuance due to health recommendations related to COVID-19. There is a sample motion to continue, sample proposed order to continue, and instructions on how to file the motion available at the bottom of this page.

Other hearings are an emergency and should be held despite the current health emergency. For example, if your bank account is garnished by a creditor, you should request a hearing be held as soon as possible so that you can get your money back. It may be possible to appear by telephone. Be aware that evidence must be filed with the court and the judge may limit the evidence that he or she can accept at a telephone hearing. In the case of a bank garnishment, the affidavit is part of your request for hearing and will be on file with the court, which should allow you to appear by telephone. There is a sample motion to appear telephonically, sample proposed order to appear telephonically, and instructions on how to file the motion available at the bottom of this page.

You can apply for help by [calling Legal Aid](#).

What if I need to go to court for a hearing?

Certain courthouses have limited public access. Before attending any court hearing, you should call the county court clerk's office for the county where your hearing is being held. Here is a [link](#) to the contact information for every county court clerk's office.

What if I am showing signs of illness, have to self-quarantine, have been diagnosed with COVID-19, or have travelled to a state or country at greater risk of exposure to COVID-19?

If you have to appear in court and you have any symptoms of illness, have been asked to self-quarantine by a health care provider or public official, have COVID-19 or have had contact with someone diagnosed with COVID-19, or travelled to a high risk country as indicated by the CDC, you need to call the court before attending your hearing. Here is the [link](#) to the Order of the Chief Justice of the Nebraska Supreme Court indicating when you need to call before attending your court hearing. Here is a [link](#) to every county court clerk's office in Nebraska, where you can find the telephone number to call before you attend any court hearing. Call the county court clerk's office in the county where your hearing is being held.