

IRS Wage Garnishment

The IRS or New York state government can take a portion of your paycheck in to collect taxes not paid. An IRS wage garnishment requires your employer to garnish your wages or risk being liable for the tax payments for you. Wage garnishment means the employer takes out the portion for the IRS before the earnings go to you. Though, the employer cannot terminate you for having received an order to garnish your wages.

If you are aware of an IRS wage garnishment, then you should speak with an experienced New York tax lawyer to assist in protecting your assets and paycheck. An IRS wage garnishment is a type of administrative levy, where the IRS takes property from you. An individual's wages, salary, and other income such as bank interest can be levied. To delay the taking of property, you may want to negotiate with the IRS to pay off the tax debt in other ways, such as with a lien, or to inform the IRS that you need the earnings for household needs because your income is very low in the first place for meeting necessities.

Before garnishing wages, the IRS needs to:

- Send a written Notice and Demand for Payment;
- You must have neglected or refused to pay in full or set-up a payment plan for the tax debt; and,
- Send a Final Notice of Intent to Levy and Notice of Your Right to A Hearing (levy notice) at least 30 days before the levy.

You do not need to actually receive the Final Notice for the wage garnishment to be effective. Many taxpayers who do not receive the Final Notice may not be aware they may lose out on their wages until they are actually garnished.

There is a limited window when a wage garnishment can be stopped before going into effect. This is when you should speak with an experienced New York tax attorney to see how to respond to a tax debt notice. A levy on your wages has a continuous effect by attaching to future payments, until the tax debt is paid off. Wages may include fees, bonuses, and commissions.

Pay attention to all notices from the IRS. You need to find out how the tax debt is calculated to determine if it is even accurate. A revenue representative at the IRS may be willing to settle your delinquent account before any garnishment goes into effect.

Contact an experienced [New York tax attorney](#) to help you with individual tax problems.