
WHAT TO EXPECT AT A JUDGMENT DEBTOR EXAMINATION

What is a Judgment Debtor Examination?

A judgment debtor examination is a court proceeding where the person or business that has obtained a money judgment against you is allowed to ask you questions to help identify and locate your property.

What kinds of questions will I be asked?

You may be asked about your: Property; Assets; Debts; and Income. The purpose of the questions is to allow the person or business with the money judgment against you to find a way to get the judgment paid.

How long will the questioning last?

A typical examination usually lasts about 15 minutes.

Can the Judge or the Magistrate help me?

You may ask the Judge or the Magistrate questions about the examination process, but she cannot give you legal help or legal advice. The Judge or the Magistrate can only make rulings on legal points.

Is a judgment debtor examination like a trial? Can I present my arguments again?

No. The examination is not a new trial or an appeal of your original case. You will not be able to reargue the question of who should have won or lost in the proceeding that led to the judgment against you. The Judge or the Magistrate will not modify, change, or set aside the original judgment.

Do I have to answer the questions? Do I have to tell the truth?

Yes. You will be asked all of the questions under oath. If you refuse to answer, you could be charged with contempt of court. If you lie under oath, you could be prosecuted for the criminal offense of perjury.

Do I have to testify in public and disclose my assets to everyone?

No. These examinations are conducted in small hearing rooms so that people in the courthouse for other cases are unable to hear any of your information about your finances.

I can't afford an attorney. Can the Court appoint one for me?

There is no constitutional right to a court appointed attorney in a civil proceeding such as this one. If you want an attorney, you must take steps on your own to obtain one before the examination.

What happens after all of the questions have been answered?

Most Courts encourage the parties to negotiate after the questions have been answered to see if both sides can agree to a payment plan. If an agreement can be reached future trips to court for other proceedings to enforce a judgment—such as a garnishment—can often be avoided.