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AB-774 Civil actions: enforcement of judgments. (2025-2026)

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Assembly Bill No. 774

CHAPTER 708

An act to amend Sections 684.130, 703.520, 703.570, 706.021, 706.022, 706.105, and 706.126 of, and to add Sections 697.420 and 697.680 to, the Code of Civil Procedure, relating to civil actions.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 774, Bauer-Kahan. Civil actions: enforcement of judgments.

(1) Existing law specifies procedures and requirements for a levying officer to serve documents, including a writ of execution issued by a court, on a judgment debtor. If the judgment upon which the writ is issued is for personal debt, the judgment creditor must provide the levying officer with a declaration stating that they have verified the judgment debtor's address and specifying the method of verification. Existing law requires a judgment creditor to file with the court the declaration within 5 business days after delivering it to the levying officer. Existing law also requires a judgment creditor executing a levy on the earnings of an employee to serve the earnings withholding order on both the judgment debtor employee and their employer.

This bill would specify that transmittal of a legal pleading by first-class mail, certified mail, or other method of transmission through the United States Postal Service providing a return receipt, as specified, is a permissible method of verification. The bill would instead require the judgment creditor to file with the court the declaration described above within 10 business days after delivering it to the levying officer. The bill would also permit the declaration to be signed by an individual with adequate knowledge of the verification process, including a custodian of records or an attorney for the judgment creditor. The bill would delete the requirement that a judgment creditor executing a levy on the earnings of an employee serve the earnings withholding order on the employee.

(2) Existing law authorizes a judgment creditor to levy upon the property of a judgment debtor to satisfy a judgment, and authorizes the judgment debtor to claim that certain property is exempt from the levy by following a specified procedure. Existing law authorizes a claimant to file a claim of exemption with the levying officer either in person or by mail. The period for filing a claim of exemption is 15 days if the judgment debtor is personally served with a notice of levy on the property claimed to be exempt, and 20 days if the claimant is served with notice by mail. Existing law deems the filing by mail complete on the date the claim is postmarked if the mailing is assigned a tracking number. If the mailing is not assigned a tracking number, the filing by mail is deemed complete on the date the claim is received by the levying officer. Existing law authorizes a judgment creditor who opposes a claim of exemption to file a notice of opposition to the claim and a notice of motion for an order determining the claim within 15 days after service of the notice of claim of exemption.

This bill would authorize, for a personal debt as specified by law, a claimant to file a claim of exemption more than 20 days after the date the notice of levy is served on the judgment debtor. The bill would permit a levying officer to release the funds to the judgment creditor at any time after the expiration of the 20-day period.

(3) Existing law specifies various procedures and requirements for a judgment debtor to claim exemptions to property that has been levied upon to satisfy a judgment. Existing law places the burden of proof on the claimant at a hearing to determine the claim of exemption. If the judgment upon which a writ of execution is issued is for personal debt, a court must order the return of any property that was exempt without the need for a claim or that would have been exempt by a claim of exemption, and that was levied upon within specified periods. Existing law specifies procedures and requirements for a money judgment to be satisfied and for the court to enter a satisfaction of judgment.

This bill would clarify that the filing of an ex parte application in lieu of a motion for purposes of the procedures described above does not constitute a general appearance for purposes of a court exercising its jurisdiction over a party.

(4) Existing law, the Wage Garnishment Law, authorizes a levy of execution on an employee's earnings by service of an earnings withholding order by the levying officer or the employer and requires the employer to provide the judgment debtor a copy of the earnings withholding order and notice of the earnings withholding order, as specified. Existing law requires the employer to complete an employer's return and return it to the levying officer. Under existing law, the employer's return and the form for its return are required to set forth specified information, including the name, address, and, if known, the judgment debtor's social security number.

This bill would require the employer's return to include information setting forth the date on which the employer provided the judgment debtor with the earnings withholding order and the notice of earnings withholding order, the name and title of the person who provided the order and notice, and a short description of the manner in which the order and notice were provided.

(5) Existing law authorizes a judgment creditor to enforce a money judgment by creating a judgment lien on the real or personal property of a judgment debtor. These judgment liens continue in existence for a specified time or until the money judgment is satisfied or the judgment creditor releases the lien. Existing law also authorizes a judgment creditor to enforce a money judgment by a writ of execution, pursuant to which a levying officer takes possession of the judgment debtor's property to satisfy the judgment. Existing law authorizes a judgment debtor to exempt certain property, and, if the judgment is for personal debt, as defined, requires a court to order the judgment creditor to return to the judgment debtor any exempt property of the judgment creditor that was levied upon, as specified.

This bill would authorize a judgment creditor to apply to the court for reinstatement of a released lien and its priority at the time of cancellation, as specified. The bill would require a court to enter in the court's records that the judgment is no longer satisfied to the extent of the returned funds or property, and to issue to the judgment creditor a certificate and notice of reinstatement of judgment lien as specified. The bill would require the application for reinstatement of a lien to be filed with a declaration by the judgment creditor that certifies specified information, including, among other things, that the judgment creditor released a lien with the reasonable belief that the money judgment was satisfied and the date and amount of the original judgment and any renewals thereof. The bill would impose a civil penalty of not more than \$1,500 for knowingly certifying false information in the judgment creditor's declaration. The bill would give the judgment debtor an opportunity to object and, if an objection is filed, require the judgment creditor to proceed with a noticed motion for reinstatement of the lien. These provisions of the bill would become operative on July 1, 2026.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 684.130 of the Code of Civil Procedure is amended to read:

684.130. (a) If the levying officer is required by any provision of this title to serve any writ, order, notice, or other paper on any person, the judgment creditor shall include in the instructions to the levying officer the correct name and address of the person. The judgment creditor shall use reasonable diligence to ascertain the correct name and address of the person.

(b) (1) Where the judgment upon which the writ is issued is for personal debt, as defined in subdivision (d) of Section 683.110, this subdivision shall apply.

(2) The judgment creditor shall also provide the levying officer with a declaration stating that the judgment creditor has verified using reasonable diligence within the past 12 months that the judgment debtor's address is correct to the best of the declarant's knowledge, and describing the verification dates and the methods used, which may include, but are not limited to, the following methods:

(A) Receipt of correspondence from the judgment debtor, dated no more than 12 months before the execution of the declaration, that includes a return address or other comparable verification of the judgment debtor's address.

(B) Transmittal of a letter or legal pleading by certified mail, or other method of transmission through the United States Postal Service providing a return receipt, to the judgment debtor's address, with a return receipt dated no more than 12

months before the execution of the declaration that is signed by the judgment debtor.

(C) Verification of the judgment debtor's current address by a commercial address verification service, including skip-tracing, or, if reasonably available, a public record database, followed by dispatch of a letter or legal pleading, by first-class mail to the verified address, that was not returned to sender.

(3) The levying officer shall not accept or serve any writ, order, notice, or other paper on any person if the judgment creditor fails to provide a declaration as described in paragraph (2).

(4) Upon notice by the judgment debtor that the requirements of this section have not been met, the court shall stay the notice of levy or earnings withholding order until the requirements of this section have been satisfied.

(5) The judgment creditor's cost of verification of the judgment debtor's address is not recoverable.

(6) The judgment creditor shall file with the court the signed declaration within 10 business days after delivering the declaration to the levying officer.

(7) The declaration required by this section may be signed by any individual with adequate knowledge of the verification, including, but not limited to, a custodian of records. If the judgment creditor is represented by an attorney, the declaration may be signed by any employee of the attorney or the attorney's law firm with adequate knowledge of the verification, including, but not limited to, a custodian of records.

(c) Unless the levying officer has actual knowledge that the name or address included in the instructions is incorrect, the levying officer shall rely on the instructions in serving the writ, order, notice, or other paper on the person.

SEC. 2. Section 697.420 is added to the Code of Civil Procedure, to read:

697.420. (a) A judgment creditor may apply to the court for an order reinstating a judgment lien on real property with the same priority it held immediately before it was released. Subject to subdivisions (b) and (c), the court shall grant the application. Upon entry of the order the clerk shall do the following:

(1) Note in the court's records that the judgment is no longer satisfied to the extent of the returned funds or property.

(2) Issue to the judgment creditor a certificate and notice of reinstatement of judgment lien. The certificate of reinstatement of judgment lien shall identify the judgment and parties, the unsatisfied judgment amount, and the relevant recording or filing information from the original abstract of judgment.

(b) (1) The application for reinstatement of a lien under subdivision (a) shall be filed with a declaration by the judgment creditor that includes and certifies all of the following:

(A) The title of the court, the case name and number, and the date and amount of the original judgment and any renewals thereof.

(B) A statement that the judgment creditor released a lien or liens in the reasonable belief that the money judgment was satisfied. This statement shall include:

(i) Information sufficient to identify the liens that were released, including the county or counties in which an abstract of judgment was recorded, and the recording dates and numbers of those recordings.

(ii) The details of any acknowledgment of full or partial satisfaction of judgment that was filed or entered as a result of the prior application of funds, including the date, county, and recording number of any acknowledgment of full or partial satisfaction of judgment recorded by the judgment creditor.

(C) A statement that after a lien was released, the judgment creditor was ordered pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580 to return to the judgment debtor property levied or wages garnished in satisfaction of the money judgment. A copy of the order shall be attached as an exhibit to the declaration.

(D) A statement that the judgment creditor returned, and the judgment debtor received, all property and wages ordered returned.

(E) A statement that but for the court's order pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580, the money judgment would have been fully satisfied or that the property returned to the judgment creditor was identified in a recorded acknowledgment of full or partial satisfaction of judgment.

(F) A statement that the judgment creditor is not appealing the order to return funds pursuant to subdivision (d) of Section 703.580.

(2) Knowingly certifying the accuracy of false information under paragraph (1) shall be subject to a civil penalty of not more than one thousand five hundred dollars (\$1,500).

(c) (1) The judgment creditor shall serve upon the judgment debtor by first-class mail to the address verified pursuant to paragraph (2) of subdivision (b) of Section 684.130 a copy of the application for an order reinstating a released lien.

(2) The judgment debtor may, within 15 days of service of the application, file a declaration stating that the funds or property identified by the judgment debtor pursuant to subparagraph (D) of paragraph (1) of subdivision (b) have not been returned.

(3) If a declaration under paragraph (2) is filed, the court shall deny the application and the judgment creditor shall file a noticed motion to be heard by the court in order to reinstate a lien and its priority.

(4) If no objection is filed under this subdivision, the clerk's reinstatement of the lien and its priority shall be automatically effective.

(d) An application under this section shall be filed in the action in which the judgment creditor was ordered, pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580, to return to the judgment debtor property levied or wages garnished in satisfaction of the money judgment.

(e) Attorney's fees are not recoverable under this section.

(f) The judgment creditor may record the certificate in the same manner as an abstract of judgment, and that recordation shall have the effect of restoring the lien's priority as if the prior release or satisfaction had not occurred.

(g) This section shall become operative on July 1, 2026.

SEC. 3. Section 697.680 is added to the Code of Civil Procedure, to read:

697.680. (a) A judgment creditor may apply to the court for an order reinstating a released lien on personal property and its priority at the time of cancellation. Subject to subdivisions (b) and (c), the court shall order the reinstatement of a lien with the same priority that it held at the time of cancellation. Upon entry of the order the clerk shall do the following:

(1) Note in the court's records that the judgment is no longer satisfied to the extent of the returned funds or property.

(2) Issue to the judgment creditor a certificate and notice of reinstatement of judgment lien. The certificate of reinstatement of judgment lien shall identify the judgment and parties, the unsatisfied judgment amount, and the filing number and date of the original notice of judgment lien filed with the Secretary of State.

(b) (1) The application for reinstatement of a lien under subdivision (a) shall be filed with a declaration by the judgment creditor that includes and certifies all of the following:

(A) The title of the court, the case name and number, and the date and amount of the original judgment and any renewals thereof.

(B) A statement that the judgment creditor released a lien or liens in the reasonable belief that the money judgment was satisfied. This statement shall include:

(i) Information sufficient to identify the liens that were released, including the county or counties in which an abstract of judgment was recorded, the recording dates and numbers of those recordings and, if applicable, the filing date and number of any notice of judgment lien on personal property that was filed with the Secretary of State.

(ii) The details of any acknowledgment of full or partial satisfaction of judgment that was filed or entered as a result of the prior application of funds, including the date, county, and recording number of any acknowledgment of full or partial satisfaction of judgment recorded by the judgment creditor.

(C) A statement that after a lien was released, the judgment creditor was ordered pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580 to return to the judgment debtor property levied or wages garnished in satisfaction of the money judgment. A copy of the order shall be attached as an exhibit to the declaration.

(D) A statement that the judgment creditor returned, and the judgment debtor received, all property and wages ordered returned.

(E) A statement that but for the court's order pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580, the money judgment would have been fully satisfied or that the property returned to the judgment creditor was identified in a recorded acknowledgment of full or partial satisfaction of judgment.

(F) A statement that the judgment creditor is not appealing the order to return funds pursuant to subdivision (d) of Section 703.580.

(2) knowingly providing false information shall be subject to a civil penalty in an amount up to \$1,500

(c) (1) The judgment creditor shall serve upon the judgment debtor by first-class mail to the address verified pursuant to paragraph (2) of subdivision (b) of Section 684.130 a copy of the application for an order reinstating a released lien.

(2) The judgment debtor may, within 15 days of service of the application, file a declaration stating that the funds or property identified by the judgment debtor pursuant to subparagraph (D) of paragraph (1) of subdivision (b) have not been returned.

(3) If a declaration under paragraph (2) is filed, the court shall deny the application and the judgment creditor shall file a noticed motion to be heard by the court in order to reinstate a lien and its priority.

(4) If no objection is filed, the clerk's reinstatement of the lien and its priority shall be automatically effective.

(d) An application under this section shall be filed in the action in which the judgment creditor was ordered, pursuant to paragraph (2) or (3) of subdivision (d) of Section 703.580, to return to the judgment debtor property levied or wages garnished in satisfaction of the money judgment.

(e) Attorney's fees are not recoverable under this section.

(f) The judgment creditor may record the certificate in the same manner as an abstract of judgment, and that recordation shall have the effect of restoring the lien's priority as if the prior release or satisfaction had not occurred.

(g) This section shall become operative on July 1, 2026.

SEC. 4. Section 703.520 of the Code of Civil Procedure is amended to read:

703.520. (a) The claimant may make a claim of exemption by filing with the levying officer, either in person or by mail, a claim of exemption together with a copy of the claim. If the claimant is personally served, the claim shall be made within 15 days after the date the notice of levy on the property claimed to be exempt is served on the judgment debtor. If the claimant is served by mail, the claim shall be made within 20 days after the date the notice of levy on the property claimed to be exempt is served on the judgment debtor. If the claim is filed by mail and assigned a tracking number by the United States Postal Service or another common carrier, the filing shall be deemed complete on the date the claim is postmarked. If the claim is filed by mail and not assigned a tracking number, the filing shall be deemed complete on the date the claim is received by the levying officer.

(b) The claim of exemption shall be executed under oath and shall include all of the following:

(1) The name of the claimant and the mailing address where service of a notice of opposition to the claim may be made upon the claimant.

(2) The name and last known address of the judgment debtor if the claimant is not the judgment debtor.

(3) A description of the property claimed to be exempt. If an exemption is claimed pursuant to Section 704.010 or 704.060, the claimant shall describe all other property of the same type, including exempt proceeds of the property of the same type, owned by the judgment debtor alone or in combination with others on the date of levy and identify the property, whether or not levied upon, to which the exemption is to be applied. If an exemption is claimed pursuant to subdivision (b) of Section 704.100, the claimant shall state the nature and amount of all other property of the same type owned by the judgment debtor or the spouse of the judgment debtor alone or in combination with others on the date of levy.

(4) A financial statement if required by Section 703.530.

(5) A citation of the provision of this chapter or other statute upon which the claim is based.

(6) A statement of the facts necessary to support the claim.

(c) Notwithstanding subdivision (a), for a personal debt as defined in subdivision (d) of Section 683.110, a claimant may file a claim of exemption more than 20 days after the date the notice of levy is served on the judgment debtor pursuant to Sections 703.580 and 706.105. The levying officer may, nonetheless, release the funds to the judgment creditor at any time after the expiration of the 20-day period.

SEC. 5. Section 703.570 of the Code of Civil Procedure is amended to read:

703.570. (a) (1) The hearing on the motion shall be held not later than 30 days from the date the notice of motion was filed with the court unless continued by the court for good cause. Where the judgment upon which the writ is issued is for personal debt, as

defined in subdivision (d) of Section 683.110, if the hearing is delayed by the court and cannot be set within 30 days of notice of the motion, a party may seek by ex parte application, and the court shall issue, an order staying any levy or garnishment with respect to the property subject to the claim of exemption until the hearing occurs.

(2) The filing of an ex parte application under this section is not a general appearance and shall not constitute a waiver of the right to bring a motion under Section 418.10.

(b) Not less than 10 days prior to the hearing, the judgment creditor shall serve a notice of the hearing and a copy of the notice of opposition to the claim of exemption on the claimant and on the judgment debtor, if other than the claimant. Service shall be made personally or by mail.

SEC. 6. Section 706.021 of the Code of Civil Procedure is amended to read:

706.021. Notwithstanding any other provision of this title, a levy of execution upon the earnings of an employee shall be made by service of an earnings withholding order upon the judgment debtor's employer in accordance with this chapter.

SEC. 7. Section 706.022 of the Code of Civil Procedure is amended to read:

706.022. (a) A judgment creditor shall not enforce an earnings withholding order beyond the period of enforceability as defined in Section 683.020 or, if renewed, as provided for in subdivision (c) of Section 683.120. As used in this section, "withholding period" means the period which commences on the 30th day after service of an earnings withholding order upon the judgment debtor's employer. If a claim of exemption is filed with the levying officer, and the employer is given actual notice before the close of business on the 29th day after the service of the earnings withholding order on the judgment debtor's employer, the withholding period commences on the 45th day after service of the earnings withholding order on the judgment debtor's employer. The withholding period shall continue until the earliest of the following dates:

(1) The date the employer has withheld the full amount required to satisfy the order.

(2) The date of termination specified in a court order served on the employer.

(3) The date of termination specified in a notice of termination served on the employer by the levying officer.

(4) The date of termination of a dormant or suspended earnings withholding order as determined pursuant to Section 706.032.

(b) Except as otherwise provided by statute, an employer shall withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee which ends during the withholding period.

(c) An employer is not liable for any amounts withheld and paid over to the levying officer pursuant to an earnings withholding order prior to service upon the employer pursuant to paragraph (2) or (3) of subdivision (a).

SEC. 8. Section 706.105 of the Code of Civil Procedure is amended to read:

706.105. (a) A judgment debtor may claim an exemption under Section 706.051 under either of the following circumstances:

(1) No prior hearing has been held with respect to the earnings withholding order.

(2) There has been a material change in circumstances since the time of the last prior hearing on the earnings withholding order.

(b) A claim of exemption shall be made by filing with the levying officer an original and one copy of (1) the judgment debtor's claim of exemption and (2) the judgment debtor's financial statement.

(c) Upon filing of the claim of exemption, the levying officer shall promptly send to the judgment creditor, at the address stated in the application for the earnings withholding order, by first-class mail, postage prepaid, all of the following:

(1) A copy of the claim of exemption.

(2) A copy of the financial statement.

(3) A notice of claim of exemption. The notice shall state that the claim of exemption has been filed and that the earnings withholding order will be terminated, or modified to reflect the amount of earnings claimed to be exempt in the claim of exemption, unless a notice of opposition to the claim of exemption is filed with the levying officer by the judgment creditor within 10 days after the date of the mailing of the notice of claim of exemption.

(d) A judgment creditor who desires to contest a claim of exemption shall, within 10 days after the date of the mailing of the notice of claim of exemption, file with the levying officer a notice of opposition to the claim of exemption.

(e) (1) If a notice of opposition to the claim of exemption is filed with the levying officer within the 10-day period, the judgment creditor is entitled to a hearing on the claim of exemption. If the judgment creditor desires a hearing on the claim of exemption, the judgment creditor shall file a notice of motion for an order determining the claim of exemption with the court within 10 days after the date the levying officer mailed the notice of claim of exemption. If the notice of motion is so filed, the hearing on the motion shall be held not later than 30 days from the date the notice of motion was filed unless continued by the court for good cause. Where the judgment upon which the writ is issued is for personal debt, as defined in subdivision (d) of Section 683.110, if the hearing is delayed by the court and cannot be set within 30 days of notice of the motion, a party may seek by ex parte application, and the court shall issue, an order staying any levy or garnishment with respect to the property subject to the claim of exemption until the hearing occurs. At the time prescribed by subdivision (b) of Section 1005, the judgment creditor shall give written notice of the hearing to the levying officer and shall serve a notice of the hearing and a copy of the notice of opposition to the claim of exemption on the judgment debtor and, if the claim of exemption so requested, on the attorney for the judgment debtor. Service is deemed made when the notice of the hearing and a copy of the notice of opposition to the claim of exemption are deposited in the mail, postage prepaid, addressed to the judgment debtor at the address stated in the claim of exemption and, if service on the attorney for the judgment debtor was requested in the claim of exemption, to the attorney at the address stated in the claim of exemption. The judgment creditor shall file proof of the service with the court. After receiving the notice of the hearing and before the date set for the hearing, the levying officer shall file the claim of exemption and the notice of opposition to the claim of exemption with the court.

(2) The filing of an ex parte application under this section is not a general appearance and shall not constitute a waiver of the right to bring a motion under Section 418.10.

(f) If the levying officer does not receive a notice of opposition to the claim of exemption within the 10-day period after the date of mailing of the notice of claim of exemption and a notice of the hearing not later than 10 days after the filing of the notice of opposition to the claim of exemption, the levying officer shall serve on the employer one of the following:

(1) A notice that the earnings withholding order has been terminated if all of the judgment debtor's earnings were claimed to be exempt.

(2) A modified earnings withholding order that reflects the amount of earnings claimed to be exempt in the claim of exemption if only a portion of the judgment debtor's earnings was claimed to be exempt.

(g) If, after hearing, the court orders that the earnings withholding order be modified or terminated, the clerk shall promptly transmit a certified copy of the order to the levying officer who shall promptly serve on the employer of the judgment debtor (1) a copy of the modified earnings withholding order or (2) a notice that the earnings withholding order has been terminated.

(1) Where the judgment debtor's wages are exempt without making a claim, the court shall terminate or modify the earnings withholding order, and shall order the return by a date certain of all of the judgment debtor's exempt wages. Where the judgment upon which the writ is issued is for personal debt, as defined in subdivision (d) of Section 683.110, the court shall order the return by a date certain of any wages that were exempt without the need for a claim and that were garnished for up to 12 months preceding the date of the order on the claim of exemption. This paragraph does not limit a judge's authority to order, for good cause, the return of any exempt property taken more than 12 months preceding the date of the order on the claim of exemption.

(2) Where the judgment debtor's wages are exempt as the result of a claim of exemption, the court shall terminate or modify the earnings withholding order, and shall order the return by a date certain of all of the judgment debtor's exempt wages. Where the judgment upon which the writ is issued is for personal debt, as defined in subdivision (d) of Section 683.110, the court shall order the return by a date certain any wages that the debtor has demonstrated would have been exempt by claim of exemption and that were garnished for up to six months preceding the date of the order on the claim of exemption. This paragraph does not limit a judge's authority to order, for good cause, the return of any exempt property taken more than six months preceding the date of the order on the claim of exemption.

(3) If the court determines that any amount withheld pursuant to the earnings withholding order should be paid to the judgment debtor, the court shall order the levying officer, judgment creditor, or other person, who is in possession of the property, to return the exempt property to the judgment debtor. A levying officer shall return the exempt property within 20 business days of receipt of notice of the order. A judgment creditor shall return the exempt property within 10 business days of entry of the order.

(h) If the earnings withholding order is terminated by the court, unless the court otherwise orders or unless there is a material change of circumstances since the time of the last prior hearing on the earnings withholding order, the judgment creditor may not apply for another earnings withholding order directed to the same employer with respect to the same judgment debtor for a period

of 100 days following the date of service of the earnings withholding order or 60 days after the date of the termination of the order, whichever is later. Where the judgment upon which the writ is issued is for personal debt, as defined in subdivision (d) of Section 683.110, the judgment creditor may not apply for another earnings withholding order directed to the same employer with respect to the same judgment debtor for a period of 100 days following the date of service of the earnings withholding order or 60 days after the date of the termination of the order, whichever is later.

(i) If an employer has withheld and paid over amounts pursuant to an earnings withholding order after the date of termination of the order but prior to the receipt of notice of its termination, the judgment debtor may recover those amounts only from the levying officer if the levying officer still holds those amounts or, if those amounts have been paid over to the judgment creditor, from the judgment creditor. If the employer has withheld amounts pursuant to an earnings withholding order after termination of the order but has not paid over those amounts to the levying officer, the employer shall pay those amounts to the judgment debtor within five business days of the end of the next pay period.

(j) An appeal lies from any court order under this section denying a claim of exemption or modifying or terminating an earnings withholding order. An appeal by the judgment creditor from an order modifying or terminating the earnings withholding order does not stay the order from which the appeal is taken. Notwithstanding the appeal, until the order modifying or terminating the earnings withholding order is set aside or modified, the order allowing the claim of exemption in whole or in part shall be given the same effect as if the appeal had not been taken.

(k) This section does not apply to a withholding order for support or a withholding order for taxes.

SEC. 9. Section 706.126 of the Code of Civil Procedure is amended to read:

706.126. (a) The "employer's return" shall be executed under oath. The form for the return provided to the employer shall state all of the following information:

(1) The name and address of the levying officer to whom the form is to be returned.

(2) A direction that the form be mailed to the levying officer by first-class mail, postage prepaid, no later than 15 days after the date of service of the earnings withholding order.

(3) The name, the address, and, if known, the social security number of the judgment debtor.

(b) In addition, the employer's return form shall require the employer to supply all of the following information:

(1) The date the earnings withholding order was served on the employer.

(2) Whether the judgment debtor is employed by the employer or whether the employer otherwise owes earnings to the employee.

(3) If the judgment debtor is employed by the employer or the employer otherwise owes earnings to the employee, the amount of the employee's earnings for the last pay period and the length of this pay period.

(4) Whether the employer was required on the date of service to comply with an earlier earnings withholding order and, if so, the name of the judgment creditor who secured the earlier order, the levying officer who served such order, the date it was issued, the date it was served, the expiration date of such order, and which of the earnings withholding orders the employer is required to comply with under the applicable statutory rules concerning the priority of such orders.

(5) Whether the employer was required on the date of service to comply with an earnings assignment order for support and, if so, the court which issued such assignment order and the date it was issued and any other information the Judicial Council determines is needed to identify the order.

(6) The name and address of the person to whom notices to the employer are to be sent.

(7) The date on which the employer provided the employee a copy of the earnings withholding order and the notice of earnings withholding order, the name and title of the person who provided the order and notice, and a short description of the manner in which the order and notice were provided.