



Protect your COVID-19 Stimulus Payment from a Creditor

(Current as of April 13, 2020)

If your creditor has sued you for a debt or is threatening to sue you, the creditor might be able to get a court judgment and then take the money in your bank account.

What if a creditor has a court order to seize the money in my bank account when my stimulus relief check is deposited?

- You should have gotten notice from the court about what funds are protected from a creditor.
- Here is a court form to use to claim your property if it is protected from a creditor:
<http://www.courts.state.va.us/forms/district/dc454.pdf>
- You should seek legal help before filing this claim. Contact Southwest Virginia Legal Aid Society at 1-888-201-2772, or online at <https://www.swvlegalaid.org/debtcollection>

How do I know if a creditor is trying to take the money in my bank account?

- You should have received a notice from the court.
- You can look and see if any creditor has sued you or is trying to take money out of your account by checking here: <https://eapps.courts.state.va.us/gdcourts>

What if the money in my bank account is from Social Security, SSI and/or Veteran benefits?

The money in your account is protected from a creditor if you have less than two months benefits in the account.

Do not move your Social Security, SSI and/or Veteran benefits from the protected account to a different account.

For example, if your money is direct deposited into your checking account, do not move the money to a saving account because the automatic protection would be lost. You would have to prove in court that the money is from a protected source.

What if I owe money to the bank in which my funds are deposited?

The bank can take money deposited so it is generally not a good idea to keep your funds in that bank.

What if I receive my stimulus check in the mail?

- Avoid garnishment by cashing your check and not depositing it into an account that may be at risk for garnishment.
- Have the funds loaded onto a prepaid card during the check-cashing process, but avoid expensive check-cashing companies.
- The risk of bank account garnishment must be weighed against determining whether to pay fees for check-cashing.

If you're facing financial trouble such as garnishment; a debt collection lawsuit or consumer issues, contact us at:

- Call Southwest Virginia Legal Aid Society at 1-888-201-2772.
- Visit: <https://www.swvlegalaid.org/debtcollection> for more information on surviving debt.
- Visit www.valegalaid.org for legal information for people struggling financially and to locate the legal aid office that serves your area in Virginia.

This is general legal information, not legal advice about a specific case. If you have questions or want advice about your individual case, please contact legal aid at the phone number listed above.