



## Can I Go to Jail If I Don't Pay My Debts?

### Can I go to jail if I owe someone money?

You can't go to jail just for owing money in Minnesota. But you can be arrested for contempt of court if there is a money judgment against you and you don't follow a court order or an order to appear in court.

Many people don't know there is a money judgment against them. If you move a lot, you may not have gotten the papers. Or you may have ignored them because you didn't know what they were.

If you owe money and are behind in your payments, it might be a good idea to keep in contact with your creditors. "Creditors" are the people or companies you owe money to. You might be able to work out a payment plan and avoid the money judgment.

It is very important that you check your mail carefully! Usually, debt collection is handed over to other companies and you might not know the name of the company on the paperwork. If you get court papers to fill out, make sure you do it and do it carefully. Keep copies of everything.



### How does a creditor get a warrant for my arrest?

- Step 1: The creditor or collection agency gets a money judgment against you from court. There are steps they have to follow before they can get a judgment. Read our fact sheet [Your Debt Collection Rights](#).
- Step 2: The creditor later sends you papers called a Financial Disclosure Form. You must fill out the papers and return them to the creditor within 10 days of getting them.
- Step 3: If you do not complete the papers and return them to the creditor, the creditor can get a court order called an "Order to Show Cause". This court order says you have to fill out the form OR appear in court in person to explain why you have not filled out the form. The order gives a date and time that you have to go to court.
- Step 4: If you don't show up for the court hearing OR complete the Financial Disclosure Form and send it to the creditor, the court can issue an order saying you are in contempt of court for violating the order.
- Step 5: An arrest warrant is issued based on the contempt of court order. Police can arrest you and put you in jail. Avoid getting arrested! Go to your hearing! Fill out any forms you get! If you have to fill out the form in jail you might not have all the info you need to get it right.

## Can I find out if there is a warrant out for me?

It can be hard to know if there is an arrest warrant for you for contempt of court in a civil debt case. There are 2 ways you can try to find out.

You can call your county Sheriff office. Ask for the warrants division. They should be able to tell you on the phone if there is a warrant out for you.

You can also check the Minnesota Court's website. Go to: [www.mncourts.gov](http://www.mncourts.gov).

- Click on *Access Case Records* (on top menu).
- Click on *Minnesota District (Trial) Court Case Search*.
- Scroll down a little and click the box titled *Minnesota Court Records Online (MCRO)*.
- On the new page that opens click the box titled *Access MCRO*. Read the [terms and conditions](#) on the next page. If you accept the terms, click on *I Accept the Above Terms & Conditions* under the box.
- Click where it says *Case Search*. You should also check under *Judgments Search* at the top. Put your name in the fields to do the search.
- If there are cases listed, click into each case to see if there is an order for a warrant.



**NOTE:** If your name is not in these records, there might still be a very recent judgment against you that has not yet been entered with the court.

If there is a warrant because you have not done a Financial Disclosure Form, call the court that issued the warrant. It is usually your local county court. Tell the clerk that you need to do a financial disclosure form. They might be able to send you one.

There is a Financial Disclosure Form attached. You can also find it online at [www.mncourts.gov](http://www.mncourts.gov). Click on *Get Forms*, click on *Judgment Enforcement*, click on *Disclosure*, click on *Financial Disclosure*.

Fill out the form and make a copy. Send one copy to the judgement creditor (who you owe the money to) and keep the other for yourself. In a day or two, call the court to make sure the warrant is cancelled.

## What happens if I get arrested?

It is different from county to county. Ask at the jail for a Financial Disclosure Form to fill out if you haven't done that yet.

Fill it out and ask if you can be let out of jail. It is up to the judge to decide if this is enough to get you released.

*Fact Sheets are legal information NOT legal advice. See a lawyer for advice.  
Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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**Financial Disclosure Form**

The purpose of this Financial Disclosure Form is to tell the JUDGMENT CREDITOR what money and property you have which may be used to pay the judgment the creditor obtained against you in the lawsuit. It also allows you to tell the creditor that some or all of your property and money is "exempt," which means that it cannot be taken to pay the judgment. You must answer all questions on this form. If you need more space, continue your answer on the back of the form or attach additional sheets if necessary. If you have questions about this form, you may contact your local court administrator, call the court self-help center at 651-259-3888, or contact an attorney.

**WARNING: IF YOU CLAIM AN EXEMPTION IN BAD FAITH, OR IF THE JUDGMENT CREDITOR WRONGFULLY OBJECTS TO AN EXEMPTION IN BAD FAITH, THE COURT MAY ORDER THE PERSON WHO ACTED IN BAD FAITH TO PAY COSTS, ACTUAL DAMAGES, ATTORNEY FEES, AND AN EXTRA \$100.**

1. JUDGMENT DEBTOR Name		2. <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other _____	
3. Street Address	4. City	5. State	6. Zip
7. Date of Birth	8. If Married, Spouse's Full Name		9. Home Telephone Number ( )
10. Employer or Business		11. Work Telephone Number ( )	
12. Street Address	13. City	14. State	15. Zip
16. What are your total wages, salary, or commissions per pay period? \$ _____		17. How often are you paid? <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Twice a Month <input type="checkbox"/> Monthly Other _____	
18. Do you have income from any other source? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give the source and amount of the income: _____			
19. By answering this question, you will be able to claim the exemptions you have for wages and income. The first exemption is already checked for you, check all others that apply: <input checked="" type="checkbox"/> I claim that 75% of my disposable (after-tax) earnings or 40 times the federal minimum wage (now equals \$290 for 40-hour week) is exempt (whichever is greater), unless the judgment is for child support. <input type="checkbox"/> If the Judgment is for child support, I claim that the following percentage of my after-tax earnings is exempt: <input type="checkbox"/> 50% (I am supporting a spouse and/or dependent child, and the child support judgment is 12 weeks old or less.) <input type="checkbox"/> 55% (I am supporting a spouse and/or dependent child, and the child support judgment is more than 12 weeks old.) <input type="checkbox"/> 60% (I am not supporting a spouse and/or dependent child, and the child support judgment is 12 weeks old or less.) <input type="checkbox"/> 65% (I am not supporting a spouse and/or dependent child, and the child support judgment is more than 12 weeks old.) <input type="checkbox"/> I am presently receiving or have received relief based on need in the past 6 months so all my wages are exempt. Type of relief you receive _____ <input type="checkbox"/> I have been an inmate in a correctional institution within the past 6 months so all my wages are exempt. Name institution and release date _____ <input type="checkbox"/> My income is exempt because it is: <input type="checkbox"/> Unemployment Comp. <input type="checkbox"/> Worker's Comp. <input type="checkbox"/> V.A. Benefits <input type="checkbox"/> Social Security <input type="checkbox"/> Accident or Disability Benefits <input type="checkbox"/> Retirement Benefits <input type="checkbox"/> Other (Specify) _____			
20. Do you have a checking or savings account? (This includes any account whether you have it by yourself or with someone else, or whether it is in your name or any other name) <input type="checkbox"/> Yes <input type="checkbox"/> No For each, provide the following information: Name and address of bank, Credit Union or Financial Institution                      Type of Account                      Account Number _____			
21. If you claimed an exemption for your wages or income, you may claim an exemption when your money is deposited in a bank. Claim your exemptions by checking the boxes that apply to you: <input type="checkbox"/> The money in my account is from exempt wages, income, or benefits. <input type="checkbox"/> The money in my account is from the exempt sale of my homestead within the past year. <input type="checkbox"/> The money in my account is from exempt life insurance received on the death of a spouse or parent. <input type="checkbox"/> The money in my account is from other exempt property (specify) _____			
22. Do you have any stocks, bonds, securities, certificates of deposit, mutual funds, money market account, etc.? (This includes any whether owned by you alone or with any other person, or whether it is in your name or any other name.) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, itemize these and the location of each. _____			

23. Do you own your home?  Yes  No Your homestead (house owned and occupied by you) is exempt up to a Value of \$390,000 or if used primarily for agricultural purposes, \$975,000. Do you own any other houses, land, or real estate?  
 Yes  No For each, give the following:

Location	Estimated Value	Amount Owed (if any)	To Whom

24. Do you own any motor vehicles, motorcycles, boats, snowmobiles, trailers, etc.?  Yes  No  
 For each, provide the following:

Make	Model	Year	Lic. Plate No.	Market Value	Amount You Owe (if any)

One motor vehicle worth up to \$4,600 (or \$46,000 if the vehicle has been modified at a cost of at least \$3,450 to accommodate a physical disability making a disabled person eligible for a parking permit under Minn. Stat. § 169.345) after subtracting what you owe is exempt. Which vehicle do you want to claim as exempt?

25. Do you own any of the follow property?

- |  |  |  |  |
|--|--|--|--|
| Cash or travelers checks   | <input type="checkbox"/> Yes <input type="checkbox"/> No | Farm supplies, implements, livestock, grain worth more than \$13,000 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Household goods, furnishings, and personal effects that are worth more than \$10,350 total | <input type="checkbox"/> Yes <input type="checkbox"/> No | Business equipment, tools, machinery worth more than \$11,500 total  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Jewelry  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Inventory  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Coins or stamp collections   | <input type="checkbox"/> Yes <input type="checkbox"/> No | Accounts receivable/claims   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Firearms/Guns  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Are you the owner or partner in any business not already listed      | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Life insurance policy with a cash (surrender) value more than \$9,200                      | <input type="checkbox"/> Yes <input type="checkbox"/> No | Any other property (specify) _____                                   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Any property that you are selling on a contract for deed                                   | <input type="checkbox"/> Yes <input type="checkbox"/> No |  |  |

If you answered yes to any item in question 25, provide the following information:

Description and location of property (if not at residence)	Estimated Value	Amount Owed (if any)	To Whom

If you need additional space to answer the questions, continue your answers here. Indicate the question number you are answering. Attach additional sheets if necessary.

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The above information is true and correct to the best of my knowledge.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**NOTICE: FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM TO THE JUDGMENT CREDITOR WITHIN 10 DAYS MAY RESULT IN A CITATION FOR CIVIL CONTEMPT OF COURT.**