

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ARROWHEAD ACCEPTANCE CORPORATION,
RESPONDENT**

vs.

**MISSOURI DEPARTMENT OF SOCIAL SERVICES,
APPELLANT**

DOCKET NUMBER WD77203

DATE: SEPTEMBER 30, 2014

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Marco A. Roldan, Judge

Appellate Judges:

Division Three: Gary D. Witt, P.J., Joseph M. Ellis, J. and Thomas H. Newton, J.

Attorneys:

Robert B. Carlson, for Respondent

Lasandra F. Morrison, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT**

ARROWHEAD ACCEPTANCE CORPORATION, RESPONDENT

v.

MISSOURI DEPARTMENT OF SOCIAL SERVICES, APPELLANT

WD77203

Jackson County, Missouri

Before Division Three Judges: Gary D. Witt, P.J., Joseph M. Ellis, J. and Thomas H. Newton, J.

In 2013, Respondent Arrowhead Acceptance Corporation sought a writ of garnishment against the Department of Social Services (“the Department”) in order to satisfy a default judgment rendered in Respondent’s favor against Rean Johnson d/b/a Granny’s Pray and Play Child Care Center. At the time, the Department had entered into an agreement with Johnson d/b/a Granny’s Pray and Play Child Care Center in which the Department agreed to pay Johnson for providing child care services to children eligible for state assistance. The garnishment application/order indicates that Respondent requested garnishment of Johnson’s “wages” and that the Department should attach all “payments” due to Johnson.

The Department filed a motion to quash the writ of garnishment on the basis that it is immune from garnishment. The trial court denied the Department’s motion, concluding that Johnson “is in essence an employee of the state whose salary, earnings, fees and wages are subject to garnishment pursuant to Mo. Rev. Stat. § 525.310.”

In answering the garnishee interrogatories, the Department maintained that it was immune from garnishment and that Johnson had never been an employee of the Department. However, the trial court subsequently granted Respondent’s motion to compel payment of the garnished funds into the court registry and ordered such funds be paid to Respondent.

The Department now appeals from the trial court’s judgment.

REVERSED AND REMANDED.

Division Three holds:

(1) The trial court’s judgment is not supported by substantial evidence in that the Department’s liability as garnishee is predicated upon Johnson being an employee of the Department; however, there is no evidence in the record establishing Johnson’s

status as a state employee. Thus, Respondent failed to carry its burden of establishing the Department's liability as the garnishee.

(2) Respondent's reliance on § 525.310 is misplaced because Respondent did not seek relief under § 525.310 in that Respondent filed an application for a writ of garnishment and, at the time, § 525.310 pertained only to writs of sequestration.

Opinion by: Joseph M. Ellis, Judge

Date: September 30, 2014

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