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09600HB0530ham002

LRB096 03817 AJO 38416 a

1 AMENDMENT TO HOUSE BILL 530

2 AMENDMENT NO. _____. Amend House Bill 530, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Sections 2-1303, 12-805, 12-808, and 12-811 as
7 follows:

8 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

9 Sec. 2-1303. Interest on judgment.

10 (a) This subsection (a) is operative through December 31,
11 2012 and is inoperative on and after January 1, 2013. Judgments
12 recovered in any court shall draw interest at the rate of 9%
13 per annum from the date of the judgment until satisfied or 6%
14 per annum when the judgment debtor is a unit of local
15 government, as defined in Section 1 of Article VII of the
16 Constitution, a school district, a community college district,

1 or any other governmental entity; provided that if the judgment
2 debtor qualifies for relief under subsection (b), the court may
3 reduce the interest rate to as low as 3% per annum. When
4 judgment is entered upon any award, report or verdict, interest
5 shall be computed at the above rate, from the time when made or
6 rendered to the time of entering judgment upon the same, and
7 included in the judgment. Interest shall be computed and
8 charged only on the unsatisfied portion of the judgment as it
9 exists from time to time. The judgment debtor may by tender of
10 payment of judgment, costs and interest accrued to the date of
11 tender, stop the further accrual of interest on such judgment
12 notwithstanding the prosecution of an appeal, or other steps to
13 reverse, vacate or modify the judgment.

14 (a-5) This subsection (a-5) is inoperative through
15 December 31, 2012 and is operative on and after January 1,
16 2013. Judgments recovered in any court shall draw interest at
17 the rate of 9% per annum from the date of the judgment until
18 satisfied or 6% per annum when the judgment debtor is a unit of
19 local government, as defined in Section 1 of Article VII of the
20 Constitution, a school district, a community college district,
21 or any other governmental entity. When judgment is entered upon
22 any award, report or verdict, interest shall be computed at the
23 above rate, from the time when made or rendered to the time of
24 entering judgment upon the same, and included in the judgment.
25 Interest shall be computed and charged only on the unsatisfied
26 portion of the judgment as it exists from time to time. The

1 judgment debtor may by tender of payment of judgment, costs and
2 interest accrued to the date of tender, stop the further
3 accrual of interest on such judgment notwithstanding the
4 prosecution of an appeal, or other steps to reverse, vacate or
5 modify the judgment.

6 (b) This subsection (b) is operative through December 31,
7 2012 and is inoperative on and after January 1, 2013. The court
8 may, pursuant to Section 12-811, enter an order reducing the
9 amount of wages withheld and reducing the rate of interest a
10 judgment debtor is obligated to pay on the judgment, if the
11 court finds that the judgment debtor is a "family supporter"
12 and the full wage deduction would result in a denial of
13 necessities to the judgment debtor's dependent. The term
14 "family supporter" means an individual who actually supports
15 and resides with one or more dependents. The term "dependent"
16 means a child under the age of 18 who resides with and is
17 supported by the judgment debtor or a disabled person who
18 resides with and is supported by the judgment debtor and whose
19 relationship with the judgment debtor is that of parent,
20 stepparent, son, daughter, sibling, uncle, aunt, grandparent,
21 or ward. A reduction in the rate of interest on a judgment
22 ordered by the court shall be prospective only and the court
23 may reduce the rate of interest to as low as 3% per annum.
24 Subsequent to the entry of an order reducing the rate of
25 interest on a judgment pursuant to this subsection, any party
26 may request that a prospective readjustment in the rate be

1 made, based on a relevant change in circumstances.

2 (Source: P.A. 85-907.)

3 (735 ILCS 5/12-805) (from Ch. 110, par. 12-805)

4 Sec. 12-805. Summons; Issuance.

5 (a) This subsection (a) is operative through December 31,
6 2012 and is inoperative on and after January 1, 2013. Upon the
7 filing by a judgment creditor, its attorney or other designee
8 of (1) an affidavit that the affiant believes any person is
9 indebted to the judgment debtor for wages due or to become due,
10 as provided in Part 8 of Article XII of this Act, and includes
11 the last address of the judgment debtor known to the affiant as
12 well as the name of the judgment debtor, and a certification by
13 the judgment creditor or his attorney that, before filing the
14 affidavit, the wage deduction notice has been mailed to the
15 judgment debtor by first class mail at the judgment debtor's
16 last known address, and (2) written interrogatories to be
17 answered by the employer with respect to the indebtedness, the
18 clerk of the court in which the judgment was entered shall
19 issue summons against the person named in the affidavit as
20 employer commanding the employer to appear in the court and
21 answer the interrogatories in writing under oath. The
22 interrogatories shall elicit all the information necessary to
23 determine the proper amount of non-exempt wages. The
24 interrogatories shall require that the employer certify that a
25 copy of the completed interrogatories as specified in

1 subsection (c) of Section 12-808 has been mailed or hand
2 delivered to the judgment debtor and shall be in a form
3 consistent with local court rules. The summons shall further
4 command federal agency employers, upon effective service of
5 summons pursuant to 5 USC 5520a, to commence to pay over
6 deducted wages in accordance with Section 12-808. The summons
7 shall be in a form consistent with local court rules. The
8 summons shall be accompanied by a copy of the underlying
9 judgment or a certification by the clerk of the court that
10 entered the judgment, or by the attorney for the judgment
11 creditor, setting forth the date and amount of the judgment,
12 allowable costs expended, interest accumulated, credits paid
13 by or on behalf of the judgment debtor and the balance due the
14 judgment creditor, and one copy of a wage deduction notice in
15 substantially the following form:

16 "WAGE DEDUCTION NOTICE

17 (Name and address of Court)

18 Name of Case: (Name of Judgment Creditor),

19 Judgment Creditor v.

20 (Name of Judgment Debtor),

21 Judgment Debtor.

22 Address of Judgment Debtor: (Insert last known address)

23 Name and Address of Attorney for Judgment

24 Creditor or of Judgment Creditor (if no

25 attorney is listed): (Insert name and address)

26 Amount of Judgment: \$.....

1 Employer: (Name of Employer)

2 Return Date: (Insert return date specified in summons)

3 NOTICE: The court shall be asked to issue a wage deduction
4 summons against the employer named above for wages due or about
5 to become due to you. The wage deduction summons may be issued
6 on the basis of a judgment against you in favor of the judgment
7 creditor in the amount stated above.

8 The amount of wages that may be deducted is limited by
9 federal and Illinois law.

10 (1) Under Illinois law, the amount of wages that may be
11 deducted is limited to the lesser of (i) 15% of gross
12 weekly wages or (ii) the amount by which disposable
13 earnings for a week exceed the total of 45 times the
14 federal minimum hourly wage or, under a wage deduction
15 summons served on or after January 1, 2006, the minimum
16 hourly wage prescribed by Section 4 of the Minimum Wage
17 Law, whichever is greater.

18 (2) Under federal law, the amount of wages that may be
19 deducted is limited to the lesser of (i) 25% of disposable
20 earnings for a week or (ii) the amount by which disposable
21 earnings for a week exceed 30 times the federal minimum
22 hourly wage.

23 (3) Pension and retirement benefits and refunds may be
24 claimed as exempt from wage deduction under Illinois law.

25 (4) Under Illinois law, the court may enter an order
26 reducing the amount of wages withheld and reducing the rate

1 of interest a judgment debtor is obligated to pay on the
2 judgment, if the court finds that the judgment debtor is a
3 "family supporter" and the full wage deduction would result
4 in a denial of necessities to the judgment debtor's
5 dependent.

6 You have the right to request a hearing before the court to
7 dispute the wage deduction because either the wages are exempt
8 or you are a "family supporter" and are requesting (1) a
9 reduction in the amount of the wage deduction because the full
10 wage deduction would result in a denial of necessities to your
11 dependent or (2) a reduction in the interest rate on the
12 judgment if the court determines that you are a family
13 supporter and entitled to relief taking into consideration the
14 needs of your dependent and your ability to meet those needs.
15 "Dependent" means a child under the age of 18 who resides with
16 and is supported by the judgment debtor or a disabled person
17 who resides with and is supported by the judgment debtor and
18 whose relationship with the judgment debtor is that of parent,
19 stepparent, son, daughter, sibling, uncle, aunt, grandparent,
20 or ward. You are a "family supporter" if you actually support
21 and reside with a child under the age of 18 or you reside with
22 and support a disabled person who is your parent, stepparent,
23 son, daughter, sibling, uncle, aunt, grandparent, or ward. To
24 obtain a hearing in counties with a population of 1,000,000 or
25 more, you must notify the Clerk of the Court in person and in
26 writing at (insert address of Clerk) before the Return Date

1 specified above or appear in court on the date and time on that
2 Return Date. To obtain a hearing in counties with a population
3 of less than 1,000,000, you must notify the Clerk of the Court
4 in writing at (insert address of clerk) on or before the Return
5 Date specified above. The Clerk of the Court will provide a
6 hearing date and the necessary forms that must be prepared by
7 you or your attorney and sent to the judgment creditor and the
8 employer, or their attorney, regarding the time and location of
9 the hearing. This notice may be sent by regular first class
10 mail."

11 (a-5) This subsection (a-5) is inoperative through
12 December 31, 2012 and is operative on and after January 1,
13 2013. Upon the filing by a judgment creditor, its attorney or
14 other designee of (1) an affidavit that the affiant believes
15 any person is indebted to the judgment debtor for wages due or
16 to become due, as provided in Part 8 of Article XII of this
17 Act, and includes the last address of the judgment debtor known
18 to the affiant as well as the name of the judgment debtor, and
19 a certification by the judgment creditor or his attorney that,
20 before filing the affidavit, the wage deduction notice has been
21 mailed to the judgment debtor by first class mail at the
22 judgment debtor's last known address, and (2) written
23 interrogatories to be answered by the employer with respect to
24 the indebtedness, the clerk of the court in which the judgment
25 was entered shall issue summons against the person named in the
26 affidavit as employer commanding the employer to appear in the

1 court and answer the interrogatories in writing under oath. The
2 interrogatories shall elicit all the information necessary to
3 determine the proper amount of non-exempt wages. The
4 interrogatories shall require that the employer certify that a
5 copy of the completed interrogatories as specified in
6 subsection (c) of Section 12-808 has been mailed or hand
7 delivered to the judgment debtor and shall be in a form
8 consistent with local court rules. The summons shall further
9 command federal agency employers, upon effective service of
10 summons pursuant to 5 USC 5520a, to commence to pay over
11 deducted wages in accordance with Section 12-808. The summons
12 shall be in a form consistent with local court rules. The
13 summons shall be accompanied by a copy of the underlying
14 judgment or a certification by the clerk of the court that
15 entered the judgment, or by the attorney for the judgment
16 creditor, setting forth the date and amount of the judgment,
17 allowable costs expended, interest accumulated, credits paid
18 by or on behalf of the judgment debtor and the balance due the
19 judgment creditor, and one copy of a wage deduction notice in
20 substantially the following form:

21 "WAGE DEDUCTION NOTICE

22 (Name and address of Court)

23 Name of Case: (Name of Judgment Creditor),

24 Judgment Creditor v.

25 (Name of Judgment Debtor),

26 Judgment Debtor.

1 Address of Judgment Debtor: (Insert last known address)

2 Name and Address of Attorney for Judgment

3 Creditor or of Judgment Creditor (if no

4 attorney is listed): (Insert name and address)

5 Amount of Judgment: \$.....

6 Employer: (Name of Employer)

7 Return Date: (Insert return date specified in summons)

8 NOTICE: The court shall be asked to issue a wage deduction
9 summons against the employer named above for wages due or about
10 to become due to you. The wage deduction summons may be issued
11 on the basis of a judgment against you in favor of the judgment
12 creditor in the amount stated above.

13 The amount of wages that may be deducted is limited by
14 federal and Illinois law.

15 (1) Under Illinois law, the amount of wages that may be
16 deducted is limited to the lesser of (i) 15% of gross
17 weekly wages or (ii) the amount by which disposable
18 earnings for a week exceed the total of 45 times the
19 federal minimum hourly wage or, under a wage deduction
20 summons served on or after January 1, 2006, the minimum
21 hourly wage prescribed by Section 4 of the Minimum Wage
22 Law, whichever is greater.

23 (2) Under federal law, the amount of wages that may be
24 deducted is limited to the lesser of (i) 25% of disposable
25 earnings for a week or (ii) the amount by which disposable
26 earnings for a week exceed 30 times the federal minimum

1 hourly wage.

2 (3) Pension and retirement benefits and refunds may be
3 claimed as exempt from wage deduction under Illinois law.

4 You have the right to request a hearing before the court to
5 dispute the wage deduction because the wages are exempt. To
6 obtain a hearing in counties with a population of 1,000,000 or
7 more, you must notify the Clerk of the Court in person and in
8 writing at (insert address of Clerk) before the Return Date
9 specified above or appear in court on the date and time on that
10 Return Date. To obtain a hearing in counties with a population
11 of less than 1,000,000, you must notify the Clerk of the Court
12 in writing at (insert address of clerk) on or before the Return
13 Date specified above. The Clerk of the Court will provide a
14 hearing date and the necessary forms that must be prepared by
15 you or your attorney and sent to the judgment creditor and the
16 employer, or their attorney, regarding the time and location of
17 the hearing. This notice may be sent by regular first class
18 mail."

19 (b) This subsection (b) is operative through December 31,
20 2012 and is inoperative on and after January 1, 2013. In a
21 county with a population of less than 1,000,000, unless
22 otherwise provided by circuit court rule, at the request of the
23 judgment creditor or his or her attorney and instead of
24 personal service, service of a summons for a wage deduction may
25 be made as follows:

26 (1) For each employer to be served, the judgment

1 creditor or his or her attorney shall pay to the clerk of
2 the court a fee of \$2, plus the cost of mailing, and
3 furnish to the clerk an original and one copy of a summons,
4 an original and one copy of the interrogatories and an
5 affidavit setting forth the employer's mailing address, an
6 original and one copy of the wage deduction notice required
7 by subsection (a) of this Section, and a copy of the
8 judgment or certification described in subsection (a) of
9 this Section. The original judgment shall be retained by
10 the clerk.

11 (2) The clerk shall mail to the employer, at the
12 address appearing in the affidavit, the copy of the
13 judgment or certification described in subsection (a) of
14 this Section, the summons, the interrogatories, and the
15 wage deduction notice required by subsection (a) of this
16 Section, by certified or registered mail, return receipt
17 requested, showing to whom delivered and the date and
18 address of delivery. This Mailing shall be mailed on a
19 "restricted delivery" basis when service is directed to a
20 natural person. The envelope and return receipt shall bear
21 the return address of the clerk, and the return receipt
22 shall be stamped with the docket number of the case. The
23 receipt for certified or registered mail shall state the
24 name and address of the addressee, the date of the mailing,
25 shall identify the documents mailed, and shall be attached
26 to the original summons.

1 (3) The return receipt must be attached to the original
2 summons and, if it shows delivery at least 3 days before
3 the return date, shall constitute proof of service of any
4 documents identified on the return receipt as having been
5 mailed.

6 (4) The clerk shall note the fact of service in a
7 permanent record.

8 (b-5) This subsection (b-5) is inoperative through
9 December 31, 2012 and is operative on and after January 1,
10 2013. In a county with a population of less than 1,000,000,
11 unless otherwise provided by circuit court rule, at the request
12 of the judgment creditor or his or her attorney and instead of
13 personal service, service of a summons for a wage deduction may
14 be made as follows:

15 (1) For each employer to be served, the judgment
16 creditor or his or her attorney shall pay to the clerk of
17 the court a fee of \$2, plus the cost of mailing, and
18 furnish to the clerk an original and one copy of a summons,
19 an original and one copy of the interrogatories and an
20 affidavit setting forth the employer's mailing address, an
21 original and one copy of the wage deduction notice required
22 by subsection (a-5) of this Section, and a copy of the
23 judgment or certification described in subsection (a-5) of
24 this Section. The original judgment shall be retained by
25 the clerk.

26 (2) The clerk shall mail to the employer, at the

1 address appearing in the affidavit, the copy of the
2 judgment or certification described in subsection (a-5) of
3 this Section, the summons, the interrogatories, and the
4 wage deduction notice required by subsection (a-5) of this
5 Section, by certified or registered mail, return receipt
6 requested, showing to whom delivered and the date and
7 address of delivery. This Mailing shall be mailed on a
8 "restricted delivery" basis when service is directed to a
9 natural person. The envelope and return receipt shall bear
10 the return address of the clerk, and the return receipt
11 shall be stamped with the docket number of the case. The
12 receipt for certified or registered mail shall state the
13 name and address of the addressee, the date of the mailing,
14 shall identify the documents mailed, and shall be attached
15 to the original summons.

16 (3) The return receipt must be attached to the original
17 summons and, if it shows delivery at least 3 days before
18 the return date, shall constitute proof of service of any
19 documents identified on the return receipt as having been
20 mailed.

21 (4) The clerk shall note the fact of service in a
22 permanent record.

23 (c) Instead of personal service, a summons for a wage
24 deduction may be served and returned in the manner provided by
25 Supreme Court rule for service, otherwise than by publication,
26 of a notice for additional relief upon a party in default.

1 (Source: P.A. 94-306, eff. 1-1-06.)

2 (735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

3 Sec. 12-808. Duty of employer.

4 (a) An employer served as herein provided shall pay the
5 employee the amount of his or her exempt wages.

6 (b) To the extent of the amount due upon the judgment and
7 costs, the employer shall hold, subject to order of court, any
8 non-exempt wages due or which subsequently come due. The
9 judgment or balance due thereon is a lien on wages due at the
10 time of the service of summons, and such lien shall continue as
11 to subsequent earnings until the total amount due upon the
12 judgment and costs is paid, except that such lien on subsequent
13 earnings shall terminate sooner if the employment relationship
14 is terminated or if the underlying judgment is vacated or
15 modified.

16 (b-5) If the employer is a federal agency employer and the
17 creditor is represented by an attorney, then the employer, upon
18 service of summons and to the extent of the amount due upon the
19 judgment and costs, shall commence to pay over to the attorney
20 for the judgment creditor any non-exempt wages due or that
21 subsequently come due. The attorney for the judgment creditor
22 shall thereafter hold the deducted wages subject to further
23 order of the court and shall make answer to the court regarding
24 amounts received from the federal agency employer. The federal
25 agency employer's periodic payments shall be considered a

1 sufficient answer to the interrogatories.

2 (c) Except as provided in subsection (b-5), the employer
3 shall file, on or before the return date or within the further
4 time that the court for cause may allow, a written answer under
5 oath to the interrogatories, setting forth the amount due as
6 wages to the judgment debtor for the payroll periods ending
7 immediately prior to the service of the summons and a summary
8 of the computation used to determine the amount of non-exempt
9 wages. Except as provided in subsection (b-5), the employer
10 shall mail by first class mail or hand deliver a copy of the
11 answer to the judgment debtor at the address specified in the
12 affidavit filed under Section 12-805 of this Act, or at any
13 other address or location of the judgment debtor known to the
14 employer.

15 A lien obtained hereunder shall have priority over any
16 subsequent lien obtained hereunder, except that liens for the
17 support of a spouse or dependent children shall have priority
18 over all other liens obtained hereunder. Subsequent summonses
19 shall be effective in the order in which they are served.

20 (d) The Illinois Supreme Court may by rule allow an
21 employer to file answers to interrogatories by facsimile
22 transmission.

23 (e) Pursuant to answer under oath to the interrogatories by
24 the employer, an order shall be entered compelling the employer
25 to deduct from wages of the judgment debtor subject to
26 collection under a deduction order an amount which is the

1 lesser of (i) 15% of the gross amount of the wages or (ii) the
2 amount by which disposable earnings for a week exceed 45 times
3 the Federal Minimum Hourly Wage prescribed by Section 206(a)(1)
4 of Title 29 of the United States Code, as amended, in effect at
5 the time the amounts are payable, for each pay period in which
6 statutory exemptions under Section 12-804 and child support
7 garnishments, if any, leave funds to be remitted or, under a
8 wage deduction summons served on or after January 1, 2006, the
9 minimum hourly wage prescribed by Section 4 of the Minimum Wage
10 Law, whichever is greater. The order shall further provide that
11 deducted wages shall be remitted to the creditor or creditor's
12 attorney on a monthly basis.

13 (f) If after the entry of a deduction order, the employer
14 ceases to remit funds to the plaintiff pursuant to the order
15 without a lawful excuse (which would terminate the employer's
16 obligation under the deduction order such as the debtor having
17 filed a bankruptcy, the debtor having left employment or the
18 employer having received service of a support order against the
19 judgment debtor having priority over the wage deduction
20 proceedings), the court shall, upon plaintiff's motion, enter a
21 conditional judgment against the employer for the balance due
22 on the judgment. The plaintiff may then issue a Summons After
23 Conditional Judgment. After service of the Summons After
24 Conditional Judgment, the employer may show cause why the
25 conditional judgment, or some portion thereof should not be
26 made a final judgment. If the employer shall fail to respond or

1 show cause why the conditional judgment or some portion thereof
2 should not be made final, the court shall confirm the
3 conditional judgment and make it final as to the employer plus
4 additional court costs.

5 (g) This subsection (g) is operative through December 31,
6 2012 and is inoperative on and after January 1, 2013.
7 Notwithstanding any other provision, the court may enter an
8 order reducing the amount of wages withheld, if the court finds
9 that the judgment debtor is a family supporter and the full
10 wage deduction would result in a denial of necessities to his
11 or her dependent. The term "family supporter" means an
12 individual who actually supports and resides with one or more
13 dependents. The term "dependent" means a child under the age of
14 18 who resides with and is supported by the judgment debtor or
15 a disabled person who resides with and is supported by the
16 judgment debtor and whose relationship with the judgment debtor
17 is that of parent, stepparent, son, daughter, sibling, uncle,
18 aunt, grandparent, or ward.

19 (Source: P.A. 94-306, eff. 1-1-06; 95-661, eff. 1-1-08.)

20 (735 ILCS 5/12-811) (from Ch. 110, par. 12-811)

21 Sec. 12-811. Trial and judgment.

22 (a) The judgment creditor or the judgment debtor may
23 contest the truth or sufficiency of the employer's answer and,
24 in accordance with local court rules, the court shall
25 immediately, unless for good cause the hearing is postponed,

1 proceed to try the issues. The answer of the employer may be
2 contested without further pleading.

3 (b) This subsection (b) is operative through December 31,
4 2012 and is inoperative on and after January 1, 2013. At any
5 time on or before the return date, the judgment debtor may
6 request a hearing to dispute the wage deduction because the
7 wages are exempt or to reduce the amount of wages withheld
8 because the judgment debtor is a family supporter under this
9 Section by notifying the clerk of court before that time, using
10 forms as may be provided by the clerk of the court. To obtain a
11 hearing in counties with a population of 1,000,000 or more, the
12 judgment debtor must notify the clerk of court in person and in
13 writing at the clerk's office before the return date specified
14 in the summons or appear in court on the date and time
15 specified in the summons. To obtain a hearing in counties with
16 a population of less than 1,000,000, the judgment debtor must
17 notify the clerk of the court in writing at the clerk's office
18 on or before the return date specified in the summons. The
19 Clerk of Court will provide a hearing date and the necessary
20 forms that must be prepared by the judgment debtor or the
21 attorney for the judgment debtor and sent to the judgment
22 creditor and the employer, or their attorney, regarding the
23 time and location of the hearing. This notice may be sent by
24 regular first class mail. At the hearing the court shall
25 immediately, unless for good cause the hearing is continued,
26 proceed to try the issues.

1 (b-5) This subsection (b-5) is inoperative through
2 December 31, 2012 and is operative on and after January 1,
3 2013. At any time on or before the return date, the judgment
4 debtor may request a hearing to dispute the wage deduction
5 because the wages are exempt by notifying the clerk of court
6 before that time, using forms as may be provided by the clerk
7 of the court. To obtain a hearing in counties with a population
8 of 1,000,000 or more, the judgment debtor must notify the clerk
9 of court in person and in writing at the clerk's office before
10 the return date specified in the summons or appear in court on
11 the date and time specified in the summons. To obtain a hearing
12 in counties with a population of less than 1,000,000, the
13 judgment debtor must notify the clerk of the court in writing
14 at the clerk's office on or before the return date specified in
15 the summons. The Clerk of Court will provide a hearing date and
16 the necessary forms that must be prepared by the judgment
17 debtor or the attorney for the judgment debtor and sent to the
18 judgment creditor and the employer, or their attorney,
19 regarding the time and location of the hearing. This notice may
20 be sent by regular first class mail. At the hearing the court
21 shall immediately, unless for good cause the hearing is
22 continued, proceed to try the issues.

23 (b-10) This subsection (b-10) is operative through
24 December 31, 2012 and is inoperative on and after January 1,
25 2013. Notwithstanding any other provision, the court may enter
26 an order reducing the amount of wages withheld and reduce the

1 rate of interest the judgment debtor is obligated to pay on the
2 judgment, if the court finds that the judgment debtor is a
3 family supporter and the full wage deduction would result in a
4 denial of necessities to his or her dependent. For purposes of
5 this Section:

6 (1) "family supporter" means an individual who
7 actually supports and resides with one or more dependents;
8 and

9 (2) "dependent" means a child under the age of 18 who
10 resides with and is supported by the judgment debtor or a
11 disabled person who resides with and is supported by the
12 judgment debtor and whose relationship with the judgment
13 debtor is that of parent, stepparent, son, daughter,
14 sibling, uncle, aunt, grandparent, or ward.

15 (c) The trial shall be conducted as in other civil cases.

16 (d) If the finding is against an employer, a deduction
17 order shall be entered against the employer and in favor of the
18 judgment debtor to whom the employer is indebted, in the same
19 manner as if the facts are admitted.

20 (e) No deduction order shall be entered in favor of the
21 judgment creditor unless the affidavit filed by the judgment
22 creditor certifies that a copy of the wage deduction notice has
23 been mailed to the judgment debtor, under Section 12-805, and
24 the employer's answer provides a summary of the computation
25 used to determine the amount of non-exempt wages. If the
26 employer is a federal agency employer, a deduction order shall

1 be entered in favor of the judgment creditor if (i) the
2 affidavit filed by the judgment creditor certifies that a copy
3 of the wage deduction notice has been mailed to the judgment
4 debtor under Section 12-805 and (ii) the federal agency
5 employer identifies, on or with its periodic payments made
6 under subsection (b-5) of Section 12-808, the computation
7 method used to determine the amount of non-exempt wages. A
8 federal agency employer shall not be required to provide a
9 summary of the computation used to determine the amount of
10 non-exempt wages.

11 (Source: P.A. 89-28, eff. 6-23-95.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2011."