

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-1402 and by adding Section 12-107.5 as  
6 follows:

7 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

8 Sec. 2-1402. Supplementary proceedings.

9 (a) A judgment creditor, or his or her successor in  
10 interest when that interest is made to appear of record, is  
11 entitled to prosecute supplementary proceedings for the  
12 purposes of examining the judgment debtor or any other person  
13 to discover assets or income of the debtor not exempt from the  
14 enforcement of the judgment, a deduction order or garnishment,  
15 and of compelling the application of non-exempt assets or  
16 income discovered toward the payment of the amount due under  
17 the judgment. A supplementary proceeding shall be commenced by  
18 the service of a citation issued by the clerk. The procedure  
19 for conducting supplementary proceedings shall be prescribed  
20 by rules. It is not a prerequisite to the commencement of a  
21 supplementary proceeding that a certified copy of the judgment  
22 has been returned wholly or partly unsatisfied. All citations  
23 issued by the clerk shall have the following language, or

1 language substantially similar thereto, stated prominently on  
2 the front, in capital letters: "IF YOU FAIL ~~YOUR FAILURE~~ TO  
3 APPEAR IN COURT AS ~~HEREIN~~ DIRECTED IN THIS NOTICE, YOU MAY  
4 ~~CAUSE YOU TO~~ BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER  
5 TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY  
6 IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a  
7 continuance of the supplementary proceeding except upon good  
8 cause shown.

9 (b) Any citation served upon a judgment debtor or any other  
10 person shall include a certification by the attorney for the  
11 judgment creditor or the judgment creditor setting forth the  
12 amount of the judgment, the date of the judgment, or its  
13 revival date, the balance due thereon, the name of the court,  
14 and the number of the case, and a copy of the citation notice  
15 required by this subsection. Whenever a citation is served upon  
16 a person or party other than the judgment debtor, the officer  
17 or person serving the citation shall send to the judgment  
18 debtor, within three business days of the service upon the  
19 cited party, a copy of the citation and the citation notice,  
20 which may be sent by regular first-class mail to the judgment  
21 debtor's last known address. In no event shall a citation  
22 hearing be held sooner than five business days after the  
23 mailing of the citation and citation notice to the judgment  
24 debtor, except by agreement of the parties. The citation notice  
25 need not be mailed to a corporation, partnership, or  
26 association. The citation notice shall be in substantially the

1 following form:

2 "CITATION NOTICE

3 (Name and address of Court)

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

5 Judgment Creditor v.

6 (Name of Judgment Debtor),

7 Judgment Debtor.

8 Address of Judgment Debtor: (Insert last known

9 address)

10 Name and address of Attorney for Judgment

11 Creditor or of Judgment Creditor (If no

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

13 Amount of Judgment: \$ (Insert amount)

14 Name of Person Receiving Citation: (Insert name)

15 Court Date and Time: (Insert return date and time

16 specified in citation)

17 NOTICE: The court has issued a citation against the person  
18 named above. The citation directs that person to appear in  
19 court to be examined for the purpose of allowing the judgment  
20 creditor to discover income and assets belonging to the  
21 judgment debtor or in which the judgment debtor has an  
22 interest. The citation was issued on the basis of a judgment  
23 against the judgment debtor in favor of the judgment creditor  
24 in the amount stated above. On or after the court date stated  
25 above, the court may compel the application of any discovered  
26 income or assets toward payment on the judgment.

1           The amount of income or assets that may be applied toward  
2 the judgment is limited by federal and Illinois law. The  
3 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS  
4 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH  
5 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED  
6 ABOVE:

7           (1) Under Illinois or federal law, the exemptions of  
8 personal property owned by the debtor include the debtor's  
9 equity interest, not to exceed \$4,000 in value, in any  
10 personal property as chosen by the debtor; Social Security  
11 and SSI benefits; public assistance benefits; unemployment  
12 compensation benefits; worker's compensation benefits;  
13 veteran's benefits; circuit breaker property tax relief  
14 benefits; the debtor's equity interest, not to exceed  
15 \$2,400 in value, in any one motor vehicle, and the debtor's  
16 equity interest, not to exceed \$1,500 in value, in any  
17 implements, professional books, or tools of the trade of  
18 the debtor.

19           (2) Under Illinois law, every person is entitled to an  
20 estate in homestead, when it is owned and occupied as a  
21 residence, to the extent in value of \$15,000, which  
22 homestead is exempt from judgment.

23           (3) Under Illinois law, the amount of wages that may be  
24 applied toward a judgment is limited to the lesser of (i)  
25 15% of gross weekly wages or (ii) the amount by which  
26 disposable earnings for a week exceed the total of 45 times

1 the federal minimum hourly wage or, under a wage deduction  
2 summons served on or after January 1, 2006, the Illinois  
3 minimum hourly wage, whichever is greater.

4 (4) Under federal law, the amount of wages that may be  
5 applied toward a judgment is limited to the lesser of (i)  
6 25% of disposable earnings for a week or (ii) the amount by  
7 which disposable earnings for a week exceed 30 times the  
8 federal minimum hourly wage.

9 (5) Pension and retirement benefits and refunds may be  
10 claimed as exempt under Illinois law.

11 The judgment debtor may have other possible exemptions  
12 under the law.

13 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING  
14 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The  
15 judgment debtor also has the right to seek a declaration at an  
16 earlier date, by notifying the clerk in writing at (insert  
17 address of clerk). When so notified, the Clerk of the Court  
18 will obtain a prompt hearing date from the court and will  
19 provide the necessary forms that must be prepared by the  
20 judgment debtor or the attorney for the judgment debtor and  
21 sent to the judgment creditor and the judgment creditor's  
22 attorney regarding the time and location of the hearing. This  
23 notice may be sent by regular first class mail."

24 (b-1) Any citation served upon a judgment debtor who is a  
25 natural person shall be served by personal service or abode  
26 service as provided in Supreme Court Rule 105 and shall include

1 a copy of the Income and Asset Form set forth in subsection  
2 (b-5).

3 (b-5) The Income and Asset Form required to be served by  
4 the judgment creditor in subsection (b-1) shall be in  
5 substantially the following form:

6 INCOME AND ASSET FORM

7 To Judgment Debtor: Please complete this form and bring  
8 it with you to the hearing referenced in the enclosed  
9 citation notice. You should also bring to the hearing any  
10 documents you have to support the information you provide  
11 in this form, such as pay stubs and account statements. The  
12 information you provide will help the court determine  
13 whether you have any property or income that can be used to  
14 satisfy the judgment entered against you in this matter.  
15 The information you provide must be accurate to the best of  
16 your knowledge.

17 If you fail to appear at this hearing, you could be  
18 held in contempt of court and possibly arrested.

19 In answer to the citation and supplemental proceedings  
20 served upon the judgment debtor, he or she answers as  
21 follows:

22 Name:.....

23 Home Phone Number:.....

24 Home Address:.....

1 Date of Birth:.....

2 Marital Status:.....

3 I have.....dependents.

4 Do you have a job? YES NO

5 Company's name I work for:.....

6 Company's address:.....

7 Job:

8 I earn \$..... per.....

9 If self employed, list here your business name and  
10 address:

11 .....

12 Income from self employment is \$..... per  
13 year.

14 I have the following benefits with my employer:

15 .....

16 I do not have a job, but I support myself through:

17 Government Assistance \$..... per month

18 Unemployment \$..... per month

19 Social Security \$..... per month

20 SSI \$..... per month

21 Pension \$..... per month

22 Other \$..... per month

23 Real Estate:

24 Do you own any real estate? YES NO

25 I own real estate at....., with names of other

1 owners

2 .....

3 Additional real estate I own: .....

4 I have a beneficial interest in a land trust. The name  
5 and address of the trustee is:..... The beneficial  
6 interest is listed in my name and .....

7 There is a mortgage on my real estate. State the  
8 mortgage company's name and address for each parcel of real  
9 estate owned:

10 .....

11 An assignment of beneficial interest in the land trust  
12 was signed to secure a loan from.....

13 I have the following accounts:

14 Checking account at .....;  
15 account balance \$.....

16 Savings account at .....;  
17 account balance \$.....

18 Money market or certificate of deposit at .....

19 Safe deposit box at .....

20 Other accounts (please identify): .....

21 I own:

22 A vehicle (state year, make, model, and VIN): ....

23 Jewelry (please specify): .....

24 Other property described as:.....

25 Stocks/Bonds.....

26 Personal computer.....



- 1           DVD player.....
- 2           Television.....
- 3           Stove.....
- 4           Microwave.....
- 5           Work tools.....
- 6           Business equipment.....
- 7           Farm equipment.....
- 8           Other property (please specify):
- 9           .....

10           Signature:.....

11           (b-10) Any action properly initiated under this Section may  
12           proceed notwithstanding an absent or incomplete Income and  
13           Asset Form, and a judgment debtor may be examined for the  
14           purpose of allowing the judgment creditor to discover income  
15           and assets belonging to the judgment debtor or in which the  
16           judgment debtor has an interest.

17           (c) When assets or income of the judgment debtor not exempt  
18           from the satisfaction of a judgment, a deduction order or  
19           garnishment are discovered, the court may, by appropriate order  
20           or judgment:

21           (1) Compel the judgment debtor to deliver up, to be  
22           applied in satisfaction of the judgment, in whole or in  
23           part, money, choses in action, property or effects in his  
24           or her possession or control, so discovered, capable of  
25           delivery and to which his or her title or right of  
26           possession is not substantially disputed.

1           (2) Compel the judgment debtor to pay to the judgment  
2 creditor or apply on the judgment, in installments, a  
3 portion of his or her income, however or whenever earned or  
4 acquired, as the court may deem proper, having due regard  
5 for the reasonable requirements of the judgment debtor and  
6 his or her family, if dependent upon him or her, as well as  
7 any payments required to be made by prior order of court or  
8 under wage assignments outstanding; provided that the  
9 judgment debtor shall not be compelled to pay income which  
10 would be considered exempt as wages under the Wage  
11 Deduction Statute. The court may modify an order for  
12 installment payments, from time to time, upon application  
13 of either party upon notice to the other.

14           (3) Compel any person cited, other than the judgment  
15 debtor, to deliver up any assets so discovered, to be  
16 applied in satisfaction of the judgment, in whole or in  
17 part, when those assets are held under such circumstances  
18 that in an action by the judgment debtor he or she could  
19 recover them in specie or obtain a judgment for the  
20 proceeds or value thereof as for conversion or  
21 embezzlement. A judgment creditor may recover a corporate  
22 judgment debtor's property on behalf of the judgment debtor  
23 for use of the judgment creditor by filing an appropriate  
24 petition within the citation proceedings.

25           (4) Enter any order upon or judgment against the person  
26 cited that could be entered in any garnishment proceeding.

1           (5) Compel any person cited to execute an assignment of  
2           any chose in action or a conveyance of title to real or  
3           personal property or resign memberships in exchanges,  
4           clubs, or other entities in the same manner and to the same  
5           extent as a court could do in any proceeding by a judgment  
6           creditor to enforce payment of a judgment or in aid of the  
7           enforcement of a judgment.

8           (6) Authorize the judgment creditor to maintain an  
9           action against any person or corporation that, it appears  
10          upon proof satisfactory to the court, is indebted to the  
11          judgment debtor, for the recovery of the debt, forbid the  
12          transfer or other disposition of the debt until an action  
13          can be commenced and prosecuted to judgment, direct that  
14          the papers or proof in the possession or control of the  
15          debtor and necessary in the prosecution of the action be  
16          delivered to the creditor or impounded in court, and  
17          provide for the disposition of any moneys in excess of the  
18          sum required to pay the judgment creditor's judgment and  
19          costs allowed by the court.

20          (c-5) If a citation is directed to a judgment debtor who is  
21          a natural person, no payment order shall be entered under  
22          subsection (c) unless the Income and Asset Form was served upon  
23          the judgment debtor as required by subsection (b-1), the  
24          judgment debtor has had an opportunity to assert exemptions,  
25          and the payments are from non-exempt sources.

26          (d) No order or judgment shall be entered under subsection

1 (c) in favor of the judgment creditor unless there appears of  
2 record a certification of mailing showing that a copy of the  
3 citation and a copy of the citation notice was mailed to the  
4 judgment debtor as required by subsection (b).

5 (d-5) If upon examination the court determines that the  
6 judgment debtor does not possess any non-exempt income or  
7 assets, then the citation shall be dismissed.

8 (e) All property ordered to be delivered up shall, except  
9 as otherwise provided in this Section, be delivered to the  
10 sheriff to be collected by the sheriff or sold at public sale  
11 and the proceeds thereof applied towards the payment of costs  
12 and the satisfaction of the judgment. If the judgment debtor's  
13 property is of such a nature that it is not readily delivered  
14 up to the sheriff for public sale or if another method of sale  
15 is more appropriate to liquidate the property or enhance its  
16 value at sale, the court may order the sale of such property by  
17 the debtor, third party respondent, or by a selling agent other  
18 than the sheriff upon such terms as are just and equitable. The  
19 proceeds of sale, after deducting reasonable and necessary  
20 expenses, are to be turned over to the creditor and applied to  
21 the balance due on the judgment.

22 (f) (1) The citation may prohibit the party to whom it is  
23 directed from making or allowing any transfer or other  
24 disposition of, or interfering with, any property not  
25 exempt from the enforcement of a judgment therefrom, a  
26 deduction order or garnishment, belonging to the judgment

1 debtor or to which he or she may be entitled or which may  
2 thereafter be acquired by or become due to him or her, and  
3 from paying over or otherwise disposing of any moneys not  
4 so exempt which are due or to become due to the judgment  
5 debtor, until the further order of the court or the  
6 termination of the proceeding, whichever occurs first. The  
7 third party may not be obliged to withhold the payment of  
8 any moneys beyond double the amount of the balance due  
9 sought to be enforced by the judgment creditor. The court  
10 may punish any party who violates the restraining provision  
11 of a citation as and for a contempt, or if the party is a  
12 third party may enter judgment against him or her in the  
13 amount of the unpaid portion of the judgment and costs  
14 allowable under this Section, or in the amount of the value  
15 of the property transferred, whichever is lesser.

16 (2) The court may enjoin any person, whether or not a  
17 party to the supplementary proceeding, from making or  
18 allowing any transfer or other disposition of, or  
19 interference with, the property of the judgment debtor not  
20 exempt from the enforcement of a judgment, a deduction  
21 order or garnishment, or the property or debt not so exempt  
22 concerning which any person is required to attend and be  
23 examined until further direction in the premises. The  
24 injunction order shall remain in effect until vacated by  
25 the court or until the proceeding is terminated, whichever  
26 first occurs.

1 (g) If it appears that any property, chose in action,  
2 credit or effect discovered, or any interest therein, is  
3 claimed by any person, the court shall, as in garnishment  
4 proceedings, permit or require the claimant to appear and  
5 maintain his or her right. The rights of the person cited and  
6 the rights of any adverse claimant shall be asserted and  
7 determined pursuant to the law relating to garnishment  
8 proceedings.

9 (h) Costs in proceedings authorized by this Section shall  
10 be allowed, assessed and paid in accordance with rules,  
11 provided that if the court determines, in its discretion, that  
12 costs incurred by the judgment creditor were improperly  
13 incurred, those costs shall be paid by the judgment creditor.

14 (i) This Section is in addition to and does not affect  
15 enforcement of judgments or proceedings supplementary thereto,  
16 by any other methods now or hereafter provided by law.

17 (j) This Section does not grant the power to any court to  
18 order installment or other payments from, or compel the sale,  
19 delivery, surrender, assignment or conveyance of any property  
20 exempt by statute from the enforcement of a judgment thereon, a  
21 deduction order, garnishment, attachment, sequestration,  
22 process or other levy or seizure.

23 (k) (Blank).

24 (k-5) If the court determines that any property held by a  
25 third party respondent is wages pursuant to Section 12-801, the  
26 court shall proceed as if a wage deduction proceeding had been

1 filed and proceed to enter such necessary and proper orders as  
2 would have been entered in a wage deduction proceeding  
3 including but not limited to the granting of the statutory  
4 exemptions allowed by Section 12-803 and all other remedies  
5 allowed plaintiff and defendant pursuant to Part 8 of Article  
6 12 of this Act.

7 (k-10) If a creditor discovers personal property of the  
8 judgment debtor that is subject to the lien of a citation to  
9 discover assets, the creditor may have the court impress a lien  
10 against a specific item of personal property, including a  
11 beneficial interest in a land trust. The lien survives the  
12 termination of the citation proceedings and remains as a lien  
13 against the personal property in the same manner that a  
14 judgment lien recorded against real property pursuant to  
15 Section 12-101 remains a lien on real property. If the judgment  
16 is revived before dormancy, the lien shall remain. A lien  
17 against personal property may, but need not, be recorded in the  
18 office of the recorder or filed as an informational filing  
19 pursuant to the Uniform Commercial Code.

20 (l) At any citation hearing at which the judgment debtor  
21 appears and seeks a declaration that certain of his or her  
22 income or assets are exempt, the court shall proceed to  
23 determine whether the property which the judgment debtor  
24 declares to be exempt is exempt from judgment. At any time  
25 before the return date specified on the citation, the judgment  
26 debtor may request, in writing, a hearing to declare exempt

1 certain income and assets by notifying the clerk of the court  
2 before that time, using forms as may be provided by the clerk  
3 of the court. The clerk of the court will obtain a prompt  
4 hearing date from the court and will provide the necessary  
5 forms that must be prepared by the judgment debtor or the  
6 attorney for the judgment debtor and sent to the judgment  
7 creditor, or the judgment creditor's attorney, regarding the  
8 time and location of the hearing. This notice may be sent by  
9 regular first class mail. At the hearing, the court shall  
10 immediately, unless for good cause shown that the hearing is to  
11 be continued, shall proceed to determine whether the property  
12 which the judgment debtor declares to be exempt is exempt from  
13 judgment. The restraining provisions of subsection (f) shall  
14 not apply to any property determined by the court to be exempt.

15 (m) The judgment or balance due on the judgment becomes a  
16 lien when a citation is served in accordance with subsection  
17 (a) of this Section. The lien binds nonexempt personal  
18 property, including money, choses in action, and effects of the  
19 judgment debtor as follows:

20 (1) When the citation is directed against the judgment  
21 debtor, upon all personal property belonging to the  
22 judgment debtor in the possession or control of the  
23 judgment debtor or which may thereafter be acquired or come  
24 due to the judgment debtor to the time of the disposition  
25 of the citation.

26 (2) When the citation is directed against a third



1 party, upon all personal property belonging to the judgment  
2 debtor in the possession or control of the third party or  
3 which thereafter may be acquired or come due the judgment  
4 debtor and comes into the possession or control of the  
5 third party to the time of the disposition of the citation.

6 The lien established under this Section does not affect the  
7 rights of citation respondents in property prior to the service  
8 of the citation upon them and does not affect the rights of  
9 bona fide purchasers or lenders without notice of the citation.  
10 The lien is effective for the period specified by Supreme Court  
11 Rule.

12 This subsection (m), as added by Public Act 88-48, is a  
13 declaration of existing law.

14 (n) If any provision of this Act or its application to any  
15 person or circumstance is held invalid, the invalidity of that  
16 provision or application does not affect the provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application.

19 (o) The changes to this Section made by this amendatory Act  
20 of the 97th General Assembly apply only to supplementary  
21 proceedings commenced under this Section on or after the  
22 effective date of this amendatory Act of the 97th General  
23 Assembly. The requirements or limitations set forth in  
24 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply  
25 to the enforcement of any order or judgment resulting from an  
26 adjudication of a municipal ordinance violation that is subject

1 to Supreme Court Rules 570 through 579, or from an  
2 administrative adjudication of such an ordinance violation.

3 (Source: P.A. 97-350, eff. 1-1-12.)

4 (735 ILCS 5/12-107.5 new)

5 Sec. 12-107.5. Body attachment order.

6 (a) No order of body attachment or other civil order for  
7 the incarceration or detention of a natural person respondent  
8 to answer for a charge of indirect civil contempt shall issue  
9 unless the respondent has first had an opportunity, after  
10 personal service or abode service of notice as provided in  
11 Supreme Court Rule 105, to appear in court to show cause why  
12 the respondent should not be held in contempt.

13 (b) The notice shall be an order to show cause.

14 (c) Any order issued pursuant to subsection (a) shall  
15 expire one year after the date of issue.

16 (d) The first order issued pursuant to subsection (a) and  
17 directed to a respondent may be in the nature of a recognizance  
18 bond in the sum of no more than \$1,000.

19 (e) Upon discharge of any bond secured by the posting of  
20 funds, the funds shall be returned to the respondent or other  
21 party posting the bond, less applicable fees, unless the court  
22 after inquiry determines that: (1) the judgment debtor  
23 willfully has refused to comply with a payment order entered in  
24 accordance with Section 2-1402 or an otherwise validly entered  
25 order; (2) the bond money belongs to the debtor as opposed to a

1 third party; and (3) that any part of the funds constitute  
2 non-exempt funds of the judgment debtor, in which case the  
3 court may cause the non-exempt portion of the funds to be paid  
4 over to the judgment creditor.

5 (f) The requirements or limitations of this Section do not  
6 apply to the enforcement of any order or judgment resulting  
7 from an adjudication of a municipal ordinance violation that is  
8 subject to Supreme Court Rules 570 through 579, or from an  
9 administrative adjudication of such an ordinance violation.

10 Section 97. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.