

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 Sections 2-1402, 12-705, 12-706, 12-806, and 12-807 as
6 follows:

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

8 Sec. 2-1402. Citations to discover assets ~~Supplementary~~
9 ~~proceedings.~~

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

1 ~~copy of the judgment has been returned wholly or partly~~
2 ~~unsatisfied.~~ All citations issued by the clerk shall have the
3 following language, or language substantially similar thereto,
4 stated prominently on the front, in capital letters: "IF YOU
5 FAIL TO APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE
6 ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF
7 CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN
8 THE COUNTY JAIL." The court shall not grant a continuance of
9 the citation ~~supplementary~~ proceeding except upon good cause
10 shown.

11 (b) Any citation served upon a judgment debtor or any other
12 person shall include a certification by the attorney for the
13 judgment creditor or the judgment creditor setting forth the
14 amount of the judgment, the date of the judgment, or its
15 revival date, the balance due thereon, the name of the court,
16 and the number of the case, and a copy of the citation notice
17 required by this subsection. Whenever a citation is served upon
18 a person or party other than the judgment debtor, the officer
19 or person serving the citation shall send to the judgment
20 debtor, within three business days of the service upon the
21 cited party, a copy of the citation and the citation notice,
22 which may be sent by regular first-class mail to the judgment
23 debtor's last known address. In no event shall a citation
24 hearing be held sooner than five business days after the
25 mailing of the citation and citation notice to the judgment
26 debtor, except by agreement of the parties. The citation notice

1 need not be mailed to a corporation, partnership, or
2 association. The citation notice shall be in substantially the
3 following form:

4 "CITATION NOTICE

5 (Name and address of Court)

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

7 Judgment Creditor v.

8 (Name of Judgment Debtor),

9 Judgment Debtor.

10 Address of Judgment Debtor: (Insert last known
11 address)

12 Name and address of Attorney for Judgment
13 Creditor or of Judgment Creditor (If no
14 attorney is listed): (Insert name and address)

15 Amount of Judgment: \$ (Insert amount)

16 Name of Person Receiving Citation: (Insert name)

17 Court Date and Time: (Insert return date and time
18 specified in citation)

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

1 above, the court may compel the application of any discovered
2 income or assets toward payment on the judgment.

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

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

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

25 (3) Under Illinois law, the amount of wages that may be
26 applied toward a judgment is limited to the lesser of (i)

1 15% of gross weekly wages or (ii) the amount by which
2 disposable earnings for a week exceed the total of 45 times
3 the federal minimum hourly wage or, under a wage deduction
4 summons served on or after January 1, 2006, the Illinois
5 minimum hourly wage, whichever is greater.

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

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

13 The judgment debtor may have other possible exemptions
14 under the law.

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

26 (b-1) Any citation served upon a judgment debtor who is a

1 natural person shall be served by personal service or abode
2 service as provided in Supreme Court Rule 105 and shall include
3 a copy of the Income and Asset Form set forth in subsection
4 (b-5).

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

8 INCOME AND ASSET FORM

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

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

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

24 Name:.....

1 Home Phone Number:.....

2 Home Address:.....

3 Date of Birth:.....

4 Marital Status:.....

5 I have.....dependents.

6 Do you have a job? YES NO

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

8 Company's address:.....

9 Job:

10 I earn \$..... per.....

11 If self employed, list here your business name and
12 address:

13

14 Income from self employment is \$..... per
15 year.

16 I have the following benefits with my employer:

17

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

19 Government Assistance \$..... per month

20 Unemployment \$..... per month

21 Social Security \$..... per month

22 SSI \$..... per month

23 Pension \$..... per month

24 Other \$..... per month

25 Real Estate:

1 Do you own any real estate? YES NO

2 I own real estate at....., with names of other
3 owners

4

5 Additional real estate I own:

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

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

12

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

15 I have the following accounts:

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

18 Savings account at;
19 account balance \$.....

20 Money market or certificate of deposit at

21 Safe deposit box at

22 Other accounts (please identify):

23 I own:

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

25 Jewelry (please specify):

26 Other property described as:.....

- 1 Stocks/Bonds.....
- 2 Personal computer.....
- 3 DVD player.....
- 4 Television.....
- 5 Stove.....
- 6 Microwave.....
- 7 Work tools.....
- 8 Business equipment.....
- 9 Farm equipment.....
- 10 Other property (please specify):
- 11

12 Signature:.....

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

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

23 (1) Compel the judgment debtor to deliver up, to be
24 applied in satisfaction of the judgment, in whole or in
25 part, money, choses in action, property or effects in his
26 or her possession or control, so discovered, capable of

1 delivery and to which his or her title or right of
2 possession is not substantially disputed.

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

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

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

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

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

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

1 and the payments are from non-exempt sources.

2 (d) No order or judgment shall be entered under subsection
3 (c) in favor of the judgment creditor unless there appears of
4 record a certification of mailing showing that a copy of the
5 citation and a copy of the citation notice was mailed to the
6 judgment debtor as required by subsection (b).

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

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

24 (f) (1) The citation may prohibit the party to whom it is
25 directed from making or allowing any transfer or other
26 disposition of, or interfering with, any property not exempt

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

17 (2) The court may enjoin any person, whether or not a party
18 to the citation ~~supplementary~~ proceeding, from making or
19 allowing any transfer or other disposition of, or interference
20 with, the property of the judgment debtor not exempt from the
21 enforcement of a judgment, a deduction order or garnishment, or
22 the property or debt not so exempt concerning which any person
23 is required to attend and be examined until further direction
24 in the premises. The injunction order shall remain in effect
25 until vacated by the court or until the proceeding is
26 terminated, whichever 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 citation proceedings ~~supplementary~~
16 thereto, 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-3) The court may enter any order upon or judgment
25 against the respondent cited that could be entered in any
26 garnishment proceeding under Part 7 of Article XII of this

1 Code. This subsection (k-3) shall be construed as being
2 declarative of existing law and not as a new enactment.

3 (k-5) If the court determines that any property held by a
4 third party respondent is wages pursuant to Section 12-801, the
5 court shall proceed as if a wage deduction proceeding had been
6 filed and proceed to enter such necessary and proper orders as
7 would have been entered in a wage deduction proceeding
8 including but not limited to the granting of the statutory
9 exemptions allowed by Section 12-803 and all other remedies
10 allowed plaintiff and defendant pursuant to Part 8 of Article
11 12 of this Act.

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

25 (l) At any citation hearing at which the judgment debtor
26 appears and seeks a declaration that certain of his or her

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

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

25 (1) When the citation is directed against the judgment
26 debtor, upon all personal property belonging to the

1 judgment debtor in the possession or control of the
2 judgment debtor or which may thereafter be acquired or come
3 due to the judgment debtor to the time of the disposition
4 of the citation.

5 (2) When the citation is directed against a third
6 party, upon all personal property belonging to the judgment
7 debtor in the possession or control of the third party or
8 which thereafter may be acquired or come due the judgment
9 debtor and comes into the possession or control of the
10 third party to the time of the disposition of the citation.

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

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

19 (n) If any provision of this Act or its application to any
20 person or circumstance is held invalid, the invalidity of that
21 provision or application does not affect the provisions or
22 applications of the Act that can be given effect without the
23 invalid provision or application.

24 (o) The changes to this Section made by this amendatory Act
25 of the 97th General Assembly apply only to citation
26 ~~supplementary~~ proceedings commenced under this Section on or

1 after the effective date of this amendatory Act of the 97th
2 General Assembly. The requirements or limitations set forth in
3 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply
4 to the enforcement of any order or judgment resulting from an
5 adjudication of a municipal ordinance violation that is subject
6 to Supreme Court Rules 570 through 579, or from an
7 administrative adjudication of such an ordinance violation.

8 (Source: P.A. 97-350, eff. 1-1-12; 97-848, eff. 7-25-12;
9 98-557, eff. 1-1-14.)

10 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

11 Sec. 12-705. Summons.

12 (a) Summons shall be returnable not less than 21 nor more
13 than 40 ~~30~~ days after the date of issuance. Summons with one
14 copy ~~4 copies~~ of the interrogatories shall be served and
15 returned as in other civil cases. If the garnishee is served
16 with summons less than 10 days prior to the return date, the
17 court shall continue the case to a new return date 14 days
18 after the return date stated on the summons. The summons shall
19 be in a form consistent with local court rules. The summons
20 shall be accompanied by a copy of the underlying judgment or a
21 certification by the clerk of the court that entered the
22 judgment, or by the attorney for the judgment creditor, setting
23 forth the amount of the judgment, the name of the court and the
24 number of the case and one copy of a garnishment notice in
25 substantially the following form:

1 "GARNISHMENT NOTICE
2 (Name and address of Court)
3 Name of Case: (Name of Judgment Creditor),
4 Judgment Creditor v.
5 (Name of Judgment Debtor),
6 Judgment Debtor.
7 Address of Judgment Debtor: (Insert last known address)
8 Name and address of Attorney for Judgment
9 Creditor or of Judgment Creditor (If no
10 attorney is listed): (Insert name and address)
11 Amount of Judgment: \$(Insert amount)
12 Name of Garnishee: (Insert name)
13 Return Date: (Insert return date specified in summons)
14 NOTICE: The court has issued a garnishment summons against
15 the garnishee named above for money or property (other than
16 wages) belonging to the judgment debtor or in which the
17 judgment debtor has an interest. The garnishment summons was
18 issued on the basis of a judgment against the judgment debtor
19 in favor of the judgment creditor in the amount stated above.
20 The amount of money or property (other than wages) that may
21 be garnished is limited by federal and Illinois law. The
22 judgment debtor has the right to assert statutory exemptions
23 against certain money or property of the judgment debtor which
24 may not be used to satisfy the judgment in the amount stated
25 above.
26 Under Illinois or federal law, the exemptions of personal

1 property owned by the debtor include the debtor's equity
2 interest, not to exceed \$4,000 in value, in any personal
3 property as chosen by the debtor; Social Security and SSI
4 benefits; public assistance benefits; unemployment
5 compensation benefits; workers' compensation benefits;
6 veterans' benefits; circuit breaker property tax relief
7 benefits; the debtor's equity interest, not to exceed \$2,400 in
8 value, in any one motor vehicle, and the debtor's equity
9 interest, not to exceed \$1,500 in value, in any implements,
10 professional books or tools of the trade of the debtor.

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

13 The judgment debtor has the right to request a hearing
14 before the court to dispute the garnishment or to declare
15 exempt from garnishment certain money or property or both. To
16 obtain a hearing in counties with a population of 1,000,000 or
17 more, the judgment debtor must notify the Clerk of the Court in
18 person and in writing at (insert address of Clerk) before the
19 return date specified above or appear in court on the date and
20 time on that return date. To obtain a hearing in counties with
21 a population of less than 1,000,000, the judgment debtor must
22 notify the Clerk of the Court in writing at (insert address of
23 Clerk) on or before the return date specified above. The Clerk
24 of the Court will provide a hearing date and the necessary
25 forms that must be prepared by the judgment debtor or the
26 attorney for the judgment debtor and sent to the judgment

1 creditor and the garnishee regarding the time and location of
2 the hearing. This notice may be sent by regular first class
3 mail."

4 (b) An officer or other person authorized by law to serve
5 process shall serve the summons, interrogatories and the
6 garnishment notice required by subsection (a) of this Section
7 upon the garnishee and shall, (1) within 2 business days of the
8 service upon the garnishee, mail a copy of the garnishment
9 notice and the summons to the judgment debtor by first class
10 mail at the judgment debtor's address indicated in the
11 garnishment notice and (2) within 4 business days of the
12 service upon the garnishee file with the clerk of the court a
13 certificate of mailing in substantially the following form:

14 "CERTIFICATE OF MAILING

15 I hereby certify that, within 2 business days of service
16 upon the garnishee of the garnishment summons, interrogatories
17 and garnishment notice, I served upon the judgment debtor in
18 this cause a copy of the garnishment summons and garnishment
19 notice by first class mail to the judgment debtor's address as
20 indicated in the garnishment notice.

21 Date:.....

22 Signature"

23 In the case of service of the summons for garnishment upon
24 the garnishee by certified or registered mail, as provided in
25 subsection (c) of this Section, no sooner than 2 business days
26 nor later than 4 business days after the date of mailing, the

1 clerk shall mail a copy of the garnishment notice and the
2 summons to the judgment debtor by first class mail at the
3 judgment debtor's address indicated in the garnishment notice,
4 shall prepare the Certificate of Mailing described by this
5 subsection, and shall include the Certificate of Mailing in a
6 permanent record.

7 (c) In a county with a population of less than 1,000,000,
8 unless otherwise provided by circuit court rule, at the request
9 of the judgment creditor or his or her attorney and instead of
10 personal service, service of a summons for garnishment may be
11 made as follows:

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

23 (2) The clerk shall mail to the garnishee, at the
24 address appearing in the affidavit, the copy of the
25 judgment or certification described in subsection (a) of
26 this Section, the summons, the interrogatories, and the

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

13 (3) The return receipt must be attached to the original
14 summons and, if it shows delivery at least 10 days before
15 the day for the return date, shall constitute proof of
16 service of any documents identified on the return receipt
17 as having been mailed.

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

20 (d) The garnishment summons may be served and returned in
21 the manner provided by Supreme Court Rule for service,
22 otherwise than by publication, of a notice for additional
23 relief upon a party in default.

24 (Source: P.A. 98-557, eff. 1-1-14; 99-78, eff. 7-20-15.)

25 (735 ILCS 5/12-706) (from Ch. 110, par. 12-706)

1 Sec. 12-706. Conditional judgment. (a) When any person
2 summoned as garnishee fails to appear and answer as required by
3 Part 7 of Article XII of this Act, the court may enter a
4 conditional judgment against the garnishee for the amount due
5 upon the judgment against the judgment debtor. A summons to
6 confirm the conditional judgment may issue against the
7 garnishee, to be served and returned in the same manner as
8 provided by Illinois Supreme Court Rule 105, otherwise than by
9 publication, of a notice for additional relief upon a party in
10 default returnable in the same manner as provided in Section
11 12-705 of this Act, commanding the garnishee to show cause why
12 the judgment should not be made final. If the garnishee, after
13 being served with summons to confirm the conditional judgment
14 or after being notified as provided in subsection (b) hereof,
15 fails to appear and answer, the court shall confirm such
16 judgment to the amount of the judgment against the judgment
17 debtor and award costs. If the garnishee appears and answers,
18 the same proceedings may be had as in other cases.

19 (b) If any garnishee becomes a non-resident, goes out of
20 this State, or is concealed within this State so that the
21 summons to confirm the conditional judgment cannot be served
22 upon him or her, upon the filing by the plaintiff or his or her
23 agent of an affidavit as in cases of non-resident defendants in
24 attachments, the garnishee may be notified in the same manner
25 as a non-resident defendant in attachment; and upon notice
26 being given to him or her as above stated, he or she may be

1 proceeded against in the same manner as if he or she had been
2 personally served with summons to confirm the conditional
3 judgment.

4 (Source: P.A. 83-707.)

5 (735 ILCS 5/12-806) (from Ch. 110, par. 12-806)

6 Sec. 12-806. Service and return of summons. Summons shall
7 be returnable not less than 21 nor more than 40 days after the
8 date of issuance. Summons with one copy ~~4 copies~~ of the
9 interrogatories and one copy of the judgment or certification
10 and one copy of the wage deduction notice specified in Section
11 12-805 of this Act shall be served on the employer and returned
12 as in other civil cases as provided by Illinois Supreme Court
13 Rule 105 for service, otherwise than by publication, of a
14 notice for additional relief upon a party in default.

15 If the employer is served with summons less than 3 days
16 prior to the return date, the court shall continue the case to
17 a new return date not less than 21 days after the service of
18 the summons.

19 (Source: P.A. 90-677, eff. 1-1-99.)

20 (735 ILCS 5/12-807) (from Ch. 110, par. 12-807)

21 Sec. 12-807. Failure of employer to appear. (a) If an
22 employer fails to appear and answer as required by Part 8 of
23 Article XII of this Act, the court may enter a conditional
24 judgment against the employer for the amount due upon the

1 judgment against the judgment debtor. A summons to confirm the
2 conditional judgment may issue against the employer returnable
3 not less than 21 nor more than 40 ~~30~~ days after the date of
4 issuance, commanding the employer to show cause why the
5 judgment should not be made final. Service of the summons after
6 conditional judgment shall be as provided by Supreme Court Rule
7 105 for service, otherwise than by publication, of a notice for
8 additional relief upon a party in default. If the employer,
9 after being served with summons to confirm the conditional
10 judgment or after being notified as provided in subsection (b)
11 hereof, fails to appear and answer, the court shall confirm
12 such judgment to the amount of the judgment against the
13 judgment debtor and award costs. If the employer appears and
14 answers, the same proceedings may be had as in other cases.

15 (b) If an employer becomes a non-resident, goes out of this
16 State, or is concealed within this State so that the summons to
17 confirm the conditional judgment cannot be served upon him or
18 her, upon the filing by the plaintiff or his or her agent of an
19 affidavit as in cases of non-resident defendants in
20 attachments, the employer may be notified in the same manner as
21 a non-resident defendant in attachment; and upon notice being
22 given to him or her as above stated, he or she may be proceeded
23 against in the same manner as if he or she had been personally
24 served with summons to confirm the conditional judgment.

25 (Source: P.A. 86-603.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.