



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0281

Introduced 01/28/11, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1303	from Ch. 110, par. 2-1303
735 ILCS 5/12-805	from Ch. 110, par. 12-805
735 ILCS 5/12-808	from Ch. 110, par. 12-808
735 ILCS 5/12-811	from Ch. 110, par. 12-811

Amends the Code of Civil Procedure. Provides that if the court finds that a judgment debtor is a family supporter, the court may prospectively reduce the amount of wages withheld or reduce the interest rate on a judgment to a rate not lower than 3%, taking into consideration the needs of the judgment debtor's dependent and the judgment debtor's ability to meet those needs. Provides that under the Act, (1) "family supporter" means an individual who actually supports and resides with one or more dependents; and (2) "dependent" means a child under the age of 18 who resides with and is supported by the judgment debtor or a disabled person who resides with and is supported by the judgment debtor and whose relationship with the judgment debtor is that of parent, stepparent, son, daughter, sibling, uncle, aunt, grandparent, or ward. Provides that certain provisions that are operative on and after January 1, 2012 revert, as of January 1, 2014, to the law existing before the effective date of the amendatory Act. Effective January 1, 2012.

LRB097 06644 AJ0 46730 b

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 2-1303, 12-805, 12-808, and 12-811 as
6 follows:

7 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

8 Sec. 2-1303. Interest on judgment.

9 (a) This subsection (a) is operative through December 31,
10 2013 and is inoperative on and after January 1, 2014. Judgments
11 recovered in any court shall draw interest at the rate of 9%
12 per annum from the date of the judgment until satisfied or 6%
13 per annum when the judgment debtor is a unit of local
14 government, as defined in Section 1 of Article VII of the
15 Constitution, a school district, a community college district,
16 or any other governmental entity; provided that if the judgment
17 debtor qualifies for relief under subsection (b), the court may
18 reduce the interest rate to as low as 3% per annum. When
19 judgment is entered upon any award, report or verdict, interest
20 shall be computed at the above rate, from the time when made or
21 rendered to the time of entering judgment upon the same, and
22 included in the judgment. Interest shall be computed and
23 charged only on the unsatisfied portion of the judgment as it

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

6 (a-5) This subsection (a-5) is inoperative through
7 December 31, 2013 and is operative on and after January 1,
8 2014. Judgments recovered in any court shall draw interest at
9 the rate of 9% per annum from the date of the judgment until
10 satisfied or 6% per annum when the judgment debtor is a unit of
11 local government, as defined in Section 1 of Article VII of the
12 Constitution, a school district, a community college district,
13 or any other governmental entity. When judgment is entered upon
14 any award, report or verdict, interest shall be computed at the
15 above rate, from the time when made or rendered to the time of
16 entering judgment upon the same, and included in the judgment.
17 Interest shall be computed and charged only on the unsatisfied
18 portion of the judgment as it exists from time to time. The
19 judgment debtor may by tender of payment of judgment, costs and
20 interest accrued to the date of tender, stop the further
21 accrual of interest on such judgment notwithstanding the
22 prosecution of an appeal, or other steps to reverse, vacate or
23 modify the judgment.

24 (b) This subsection (b) is operative through December 31,
25 2013 and is inoperative on and after January 1, 2014. The court
26 may, pursuant to Section 12-811, enter an order reducing the

1 amount of wages withheld and reducing the rate of interest a
2 judgment debtor is obligated to pay on the judgment, if the
3 court finds that the judgment debtor is a "family supporter"
4 and the full wage deduction would result in a denial of
5 necessities to the judgment debtor's dependent. The term
6 "family supporter" means an individual who actually supports
7 and resides with one or more dependents. The term "dependent"
8 means a child under the age of 18 who resides with and is
9 supported by the judgment debtor or a disabled person who
10 resides with and is supported by the judgment debtor and whose
11 relationship with the judgment debtor is that of parent,
12 stepparent, son, daughter, sibling, uncle, aunt, grandparent,
13 or ward. A reduction in the rate of interest on a judgment
14 ordered by the court shall be prospective only and the court
15 may reduce the rate of interest to as low as 3% per annum.
16 Subsequent to the entry of an order reducing the rate of
17 interest on a judgment pursuant to this subsection, any party
18 may request that a prospective readjustment in the rate be
19 made, based on a relevant change in circumstances.

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

21 (735 ILCS 5/12-805) (from Ch. 110, par. 12-805)

22 Sec. 12-805. Summons; Issuance.

23 (a) This subsection (a) is operative through December 31,
24 2013 and is inoperative on and after January 1, 2014. Upon the
25 filing by a judgment creditor, its attorney or other designee

1 of (1) an affidavit that the affiant believes any person is
2 indebted to the judgment debtor for wages due or to become due,
3 as provided in Part 8 of Article XII of this Act, and includes
4 the last address of the judgment debtor known to the affiant as
5 well as the name of the judgment debtor, and a certification by
6 the judgment creditor or his attorney that, before filing the
7 affidavit, the wage deduction notice has been mailed to the
8 judgment debtor by first class mail at the judgment debtor's
9 last known address, and (2) written interrogatories to be
10 answered by the employer with respect to the indebtedness, the
11 clerk of the court in which the judgment was entered shall
12 issue summons against the person named in the affidavit as
13 employer commanding the employer to appear in the court and
14 answer the interrogatories in writing under oath. The
15 interrogatories shall elicit all the information necessary to
16 determine the proper amount of non-exempt wages. The
17 interrogatories shall require that the employer certify that a
18 copy of the completed interrogatories as specified in
19 subsection (c) of Section 12-808 has been mailed or hand
20 delivered to the judgment debtor and shall be in a form
21 consistent with local court rules. The summons shall further
22 command federal agency employers, upon effective service of
23 summons pursuant to 5 USC 5520a, to commence to pay over
24 deducted wages in accordance with Section 12-808. The summons
25 shall be in a form consistent with local court rules. The
26 summons shall be accompanied by a copy of the underlying

1 judgment or a certification by the clerk of the court that
2 entered the judgment, or by the attorney for the judgment
3 creditor, setting forth the date and amount of the judgment,
4 allowable costs expended, interest accumulated, credits paid
5 by or on behalf of the judgment debtor and the balance due the
6 judgment creditor, and one copy of a wage deduction notice in
7 substantially the following form:

8 "WAGE DEDUCTION NOTICE

9 (Name and address of Court)

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

11 Judgment Creditor v.

12 (Name of Judgment Debtor),

13 Judgment Debtor.

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

15 Name and Address of Attorney for Judgment

16 Creditor or of Judgment Creditor (if no

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

18 Amount of Judgment: \$.....

19 Employer: (Name of Employer)

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

21 NOTICE: The court shall be asked to issue a wage deduction
22 summons against the employer named above for wages due or about
23 to become due to you. The wage deduction summons may be issued
24 on the basis of a judgment against you in favor of the judgment
25 creditor in the amount stated above.

26 The amount of wages that may be deducted is limited by

1 federal and Illinois law.

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

10 (2) Under federal law, the amount of wages that may be
11 deducted is limited to the lesser of (i) 25% of disposable
12 earnings for a week or (ii) the amount by which disposable
13 earnings for a week exceed 30 times the federal minimum
14 hourly wage.

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

17 (4) Under Illinois law, the court may enter an order
18 reducing the amount of wages withheld and reducing the rate
19 of interest a judgment debtor is obligated to pay on the
20 judgment, if the court finds that the judgment debtor is a
21 "family supporter" and the full wage deduction would result
22 in a denial of necessities to the judgment debtor's
23 dependent.

24 You have the right to request a hearing before the court to
25 dispute the wage deduction because either the wages are exempt
26 or you are a "family supporter" and are requesting (1) a

1 reduction in the amount of the wage deduction because the full
2 wage deduction would result in a denial of necessities to your
3 dependent or (2) a reduction in the interest rate on the
4 judgment if the court determines that you are a family
5 supporter and entitled to relief taking into consideration the
6 needs of your dependent and your ability to meet those needs.
7 "Dependent" means a child under the age of 18 who resides with
8 and is supported by the judgment debtor or a disabled person
9 who resides with and is supported by the judgment debtor and
10 whose relationship with the judgment debtor is that of parent,
11 stepparent, son, daughter, sibling, uncle, aunt, grandparent,
12 or ward. You are a "family supporter" if you actually support
13 and reside with a child under the age of 18 or you reside with
14 and support a disabled person who is your parent, stepparent,
15 son, daughter, sibling, uncle, aunt, grandparent, or ward. To
16 obtain a hearing in counties with a population of 1,000,000 or
17 more, you must notify the Clerk of the Court in person and in
18 writing at (insert address of Clerk) before the Return Date
19 specified above or appear in court on the date and time on that
20 Return Date. To obtain a hearing in counties with a population
21 of less than 1,000,000, you must notify the Clerk of the Court
22 in writing at (insert address of clerk) on or before the Return
23 Date specified above. The Clerk of the Court will provide a
24 hearing date and the necessary forms that must be prepared by
25 you or your attorney and sent to the judgment creditor and the
26 employer, or their attorney, regarding the time and location of

1 the hearing. This notice may be sent by regular first class
2 mail."

3 (a-5) This subsection (a-5) is inoperative through
4 December 31, 2013 and is operative on and after January 1,
5 2014. Upon the filing by a judgment creditor, its attorney or
6 other designee of (1) an affidavit that the affiant believes
7 any person is indebted to the judgment debtor for wages due or
8 to become due, as provided in Part 8 of Article XII of this
9 Act, and includes the last address of the judgment debtor known
10 to the affiant as well as the name of the judgment debtor, and
11 a certification by the judgment creditor or his attorney that,
12 before filing the affidavit, the wage deduction notice has been
13 mailed to the judgment debtor by first class mail at the
14 judgment debtor's last known address, and (2) written
15 interrogatories to be answered by the employer with respect to
16 the indebtedness, the clerk of the court in which the judgment
17 was entered shall issue summons against the person named in the
18 affidavit as employer commanding the employer to appear in the
19 court and answer the interrogatories in writing under oath. The
20 interrogatories shall elicit all the information necessary to
21 determine the proper amount of non-exempt wages. The
22 interrogatories shall require that the employer certify that a
23 copy of the completed interrogatories as specified in
24 subsection (c) of Section 12-808 has been mailed or hand
25 delivered to the judgment debtor and shall be in a form
26 consistent with local court rules. The summons shall further

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

13 "WAGE DEDUCTION NOTICE

14 (Name and address of Court)

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

16 Judgment Creditor v.

17 (Name of Judgment Debtor),

18 Judgment Debtor.

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

20 Name and Address of Attorney for Judgment

21 Creditor or of Judgment Creditor (if no

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

23 Amount of Judgment: \$.....

24 Employer: (Name of Employer)

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

26 NOTICE: The court shall be asked to issue a wage deduction

1 summons against the employer named above for wages due or about
2 to become due to you. The wage deduction summons may be issued
3 on the basis of a judgment against you in favor of the judgment
4 creditor in the amount stated above.

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

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

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

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

22 You have the right to request a hearing before the court to
23 dispute the wage deduction because the wages are exempt. 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 (b) This subsection (b) is operative through December 31,
12 2013 and is inoperative on and after January 1, 2014. In a
13 county with a population of less than 1,000,000, unless
14 otherwise provided by circuit court rule, at the request of the
15 judgment creditor or his or her attorney and instead of
16 personal service, service of a summons for a wage deduction may
17 be made as follows:

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

1 this Section. The original judgment shall be retained by
2 the clerk.

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

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

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

26 (b-5) This subsection (b-5) is inoperative through

1 December 31, 2013 and is operative on and after January 1,
2 2014. In a county with a population of less than 1,000,000,
3 unless otherwise provided by circuit court rule, at the request
4 of the judgment creditor or his or her attorney and instead of
5 personal service, service of a summons for a wage deduction may
6 be made as follows:

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

18 (2) The clerk shall mail to the employer, at the
19 address appearing in the affidavit, the copy of the
20 judgment or certification described in subsection (a-5) of
21 this Section, the summons, the interrogatories, and the
22 wage deduction notice required by subsection (a-5) of this
23 Section, by certified or registered mail, return receipt
24 requested, showing to whom delivered and the date and
25 address of delivery. This Mailing shall be mailed on a
26 "restricted delivery" basis when service is directed to a

1 natural person. The envelope and return receipt shall bear
2 the return address of the clerk, and the return receipt
3 shall be stamped with the docket number of the case. The
4 receipt for certified or registered mail shall state the
5 name and address of the addressee, the date of the mailing,
6 shall identify the documents mailed, and shall be attached
7 to the original summons.

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

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

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

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

20 (735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

21 Sec. 12-808. Duty of employer.

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

24 (b) To the extent of the amount due upon the judgment and
25 costs, the employer shall hold, subject to order of court, any

1 non-exempt wages due or which subsequently come due. The
2 judgment or balance due thereon is a lien on wages due at the
3 time of the service of summons, and such lien shall continue as
4 to subsequent earnings until the total amount due upon the
5 judgment and costs is paid, except that such lien on subsequent
6 earnings shall terminate sooner if the employment relationship
7 is terminated or if the underlying judgment is vacated or
8 modified.

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

20 (c) Except as provided in subsection (b-5), the employer
21 shall file, on or before the return date or within the further
22 time that the court for cause may allow, a written answer under
23 oath to the interrogatories, setting forth the amount due as
24 wages to the judgment debtor for the payroll periods ending
25 immediately prior to the service of the summons and a summary
26 of the computation used to determine the amount of non-exempt

1 wages. Except as provided in subsection (b-5), the employer
2 shall mail by first class mail or hand deliver a copy of the
3 answer to the judgment debtor at the address specified in the
4 affidavit filed under Section 12-805 of this Act, or at any
5 other address or location of the judgment debtor known to the
6 employer.

7 A lien obtained hereunder shall have priority over any
8 subsequent lien obtained hereunder, except that liens for the
9 support of a spouse or dependent children shall have priority
10 over all other liens obtained hereunder. Subsequent summonses
11 shall be effective in the order in which they are served.

12 (d) The Illinois Supreme Court may by rule allow an
13 employer to file answers to interrogatories by facsimile
14 transmission.

15 (e) Pursuant to answer under oath to the interrogatories by
16 the employer, an order shall be entered compelling the employer
17 to deduct from wages of the judgment debtor subject to
18 collection under a deduction order an amount which is the
19 lesser of (i) 15% of the gross amount of the wages or (ii) the
20 amount by which disposable earnings for a week exceed 45 times
21 the Federal Minimum Hourly Wage prescribed by Section 206(a)(1)
22 of Title 29 of the United States Code, as amended, in effect at
23 the time the amounts are payable, for each pay period in which
24 statutory exemptions under Section 12-804 and child support
25 garnishments, if any, leave funds to be remitted or, under a
26 wage deduction summons served on or after January 1, 2006, the

1 minimum hourly wage prescribed by Section 4 of the Minimum Wage
2 Law, whichever is greater. The order shall further provide that
3 deducted wages shall be remitted to the creditor or creditor's
4 attorney on a monthly basis.

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

23 (g) This subsection (g) is operative through December 31,
24 2013 and is inoperative on and after January 1, 2014.
25 Notwithstanding any other provision, the court may enter an
26 order reducing the amount of wages withheld, if the court finds

1 that the judgment debtor is a family supporter and the full
2 wage deduction would result in a denial of necessities to his
3 or her dependent. The term "family supporter" means an
4 individual who actually supports and resides with one or more
5 dependents. The term "dependent" means a child under the age of
6 18 who resides with and is supported by the judgment debtor or
7 a disabled person who resides with and is supported by the
8 judgment debtor and whose relationship with the judgment debtor
9 is that of parent, stepparent, son, daughter, sibling, uncle,
10 aunt, grandparent, or ward.

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

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

13 Sec. 12-811. Trial and judgment.

14 (a) The judgment creditor or the judgment debtor may
15 contest the truth or sufficiency of the employer's answer and,
16 in accordance with local court rules, the court shall
17 immediately, unless for good cause the hearing is postponed,
18 proceed to try the issues. The answer of the employer may be
19 contested without further pleading.

20 (b) This subsection (b) is operative through December 31,
21 2013 and is inoperative on and after January 1, 2014. At any
22 time on or before the return date, the judgment debtor may
23 request a hearing to dispute the wage deduction because the
24 wages are exempt or to reduce the amount of wages withheld
25 because the judgment debtor is a family supporter under this

1 Section by notifying the clerk of court before that time, using
2 forms as may be provided by the clerk of the court. To obtain a
3 hearing in counties with a population of 1,000,000 or more, the
4 judgment debtor must notify the clerk of court in person and in
5 writing at the clerk's office before the return date specified
6 in the summons or appear in court on the date and time
7 specified in the summons. To obtain a hearing in counties with
8 a population of less than 1,000,000, the judgment debtor must
9 notify the clerk of the court in writing at the clerk's office
10 on or before the return date specified in the summons. The
11 Clerk of Court will provide a hearing date and the necessary
12 forms that must be prepared by the judgment debtor or the
13 attorney for the judgment debtor and sent to the judgment
14 creditor and the employer, or their attorney, regarding the
15 time and location of the hearing. This notice may be sent by
16 regular first class mail. At the hearing the court shall
17 immediately, unless for good cause the hearing is continued,
18 proceed to try the issues.

19 (b-5) This subsection (b-5) is inoperative through
20 December 31, 2013 and is operative on and after January 1,
21 2014. At any time on or before the return date, the judgment
22 debtor may request a hearing to dispute the wage deduction
23 because the wages are exempt by notifying the clerk of court
24 before that time, using forms as may be provided by the clerk
25 of the court. To obtain a hearing in counties with a population
26 of 1,000,000 or more, the judgment debtor must notify the clerk

1 of court in person and in writing at the clerk's office before
2 the return date specified in the summons or appear in court on
3 the date and time specified in the summons. To obtain a hearing
4 in counties with a population of less than 1,000,000, the
5 judgment debtor must notify the clerk of the court in writing
6 at the clerk's office on or before the return date specified in
7 the summons. The Clerk of Court will provide a hearing date and
8 the necessary forms that must be prepared by the judgment
9 debtor or the attorney for the judgment debtor and sent to the
10 judgment creditor and the employer, or their attorney,
11 regarding the time and location of the hearing. This notice may
12 be sent by regular first class mail. At the hearing the court
13 shall immediately, unless for good cause the hearing is
14 continued, proceed to try the issues.

15 (b-10) This subsection (b-10) is operative through
16 December 31, 2013 and is inoperative on and after January 1,
17 2014. Notwithstanding any other provision, the court may enter
18 an order reducing the amount of wages withheld and reduce the
19 rate of interest the judgment debtor is obligated to pay on the
20 judgment, if the court finds that the judgment debtor is a
21 family supporter and the full wage deduction would result in a
22 denial of necessities to his or her dependent. For purposes of
23 this Section:

24 (1) "family supporter" means an individual who
25 actually supports and resides with one or more dependents;
26 and

1 (2) "dependent" means a child under the age of 18 who
2 resides with and is supported by the judgment debtor or a
3 disabled person who resides with and is supported by the
4 judgment debtor and whose relationship with the judgment
5 debtor is that of parent, stepparent, son, daughter,
6 sibling, uncle, aunt, grandparent, or ward.

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

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

12 (e) No deduction order shall be entered in favor of the
13 judgment creditor unless the affidavit filed by the judgment
14 creditor certifies that a copy of the wage deduction notice has
15 been mailed to the judgment debtor, under Section 12-805, and
16 the employer's answer provides a summary of the computation
17 used to determine the amount of non-exempt wages. If the
18 employer is a federal agency employer, a deduction order shall
19 be entered in favor of the judgment creditor if (i) the
20 affidavit filed by the judgment creditor certifies that a copy
21 of the wage deduction notice has been mailed to the judgment
22 debtor under Section 12-805 and (ii) the federal agency
23 employer identifies, on or with its periodic payments made
24 under subsection (b-5) of Section 12-808, the computation
25 method used to determine the amount of non-exempt wages. A
26 federal agency employer shall not be required to provide a

1 summary of the computation used to determine the amount of
2 non-exempt wages.

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2012.