

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, and, in the case of a judgment  
16 against a debtor who is a natural person, a copy of the Income  
17 and Asset Form required by this Section. Service of a citation,  
18 citation notice, and Income and Asset Form upon a judgment  
19 debtor who is a natural person shall be by personal service or  
20 abode service as provided in Section 2-203, and served by a  
21 person authorized to serve process as provided by rule.

22 Whenever a citation is served upon a person or party other than  
23 the judgment debtor, the officer or person serving the citation  
24 shall send to the judgment debtor, within three business days  
25 of the service upon the cited party, a copy of the citation and  
26 the citation notice, which may be sent by regular first-class

1 mail to the judgment debtor's last known address. In no event  
2 shall a citation hearing be held sooner than five business days  
3 after the mailing of the citation and citation notice to the  
4 judgment debtor, except by agreement of the parties. The  
5 citation notice need not be mailed to a corporation,  
6 partnership, or association. The citation notice shall be in  
7 substantially the following form:

8 "CITATION 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

15 address)

16 Name and address of Attorney for Judgment

17 Creditor or of Judgment Creditor (If no

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

19 Amount of Judgment: \$ (Insert amount)

20 Name of Person Receiving Citation: (Insert name)

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

22 specified in citation)

23 NOTICE: The court has issued a citation against the person  
24 named above. The citation directs that person to appear in  
25 court to be examined for the purpose of allowing the judgment  
26 creditor to discover income and assets belonging to the

1 judgment debtor or in which the judgment debtor has an  
2 interest. The citation was issued on the basis of a judgment  
3 against the judgment debtor in favor of the judgment creditor  
4 in the amount stated above. On or after the court date stated  
5 above, the court may compel the application of any discovered  
6 income or assets toward payment on the judgment.

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

13 (1) Under Illinois or federal law, the exemptions of  
14 personal property owned by the debtor include the debtor's  
15 equity interest, not to exceed \$4,000 in value, in any  
16 personal property as chosen by the debtor; Social Security  
17 and SSI benefits; public assistance benefits; unemployment  
18 compensation benefits; worker's compensation benefits;  
19 veteran's benefits; circuit breaker property tax relief  
20 benefits; the debtor's equity interest, not to exceed  
21 \$2,400 in value, in any one motor vehicle, and the debtor's  
22 equity interest, not to exceed \$1,500 in value, in any  
23 implements, professional books, or tools of the trade of  
24 the debtor.

25 (2) Under Illinois law, every person is entitled to an  
26 estate in homestead, when it is owned and occupied as a

1 residence, to the extent in value of \$15,000, which  
2 homestead is exempt from judgment.

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

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

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

17 The judgment debtor may have other possible exemptions  
18 under the law.

19 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING  
20 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. THE  
21 JUDGMENT DEBTOR IS ENCOURAGED TO USE THE ENCLOSED INCOME AND  
22 ASSET FORM TO ASSIST WITH THIS PROCESS. The judgment debtor  
23 also has the right to seek a declaration at an earlier date, by  
24 notifying the clerk in writing at (insert address of clerk).  
25 When so notified, the Clerk of the Court will obtain a prompt  
26 hearing date from the court and will provide the necessary

1 forms that must be prepared by the judgment debtor or the  
2 attorney for the judgment debtor and sent to the judgment  
3 creditor and the judgment creditor's attorney regarding the  
4 time and location of the hearing. This notice may be sent by  
5 regular first class mail."

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

9 INCOME AND ASSET FORM

10 (CASE CAPTION)

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

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

22 In answer to the citation and supplemental proceedings  
23 served upon (INSERT NAME OF JUDGMENT DEBTOR), he or she  
24 answers as follows:

1 Name:.....

2 Home Phone Number:.....

3 Home Address:.....

4 Date of Birth:.....

5 Marital Status:.....

6 I have.....dependents.

7 Do you have a job? YES NO

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

9 Company's address:.....

10 Job:

11 I earn \$..... per.....

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

14 .....

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

17 I have the following benefits with my employer:

18 .....

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

20 Government Assistance \$..... per month

21 Unemployment \$..... per month

22 Social Security \$..... per month

23 SSI \$..... per month

24 Pension \$..... per month

25 Other \$..... per month

1 Real Estate:

2 Do you own any real estate? YES NO

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

5 .....

6 Additional real estate I own: .....

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

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

13 .....

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

16 I have the following accounts:

17 Checking account at .....;

18 account balance \$.....

19 Savings account at .....;

20 account balance \$.....

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

22 Safe deposit box at .....

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

24 I own:

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

26 Jewelry (please specify): .....



1 Other property described as:.....

2 Stocks/Bonds.....

3 Personal computer.....

4 DVD player.....

5 Television.....

6 Stove.....

7 Microwave.....

8 Work tools.....

9 Business equipment.....

10 Farm equipment.....

11 Other property (please specify):

12 .....

13 Signature:.....

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

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

24 (2) Compel the judgment debtor to pay to the judgment  
25 creditor or apply on the judgment, in installments, a  
26 portion of his or her income, however or whenever earned or

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

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

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

24           (5) Compel any person cited to execute an assignment of  
25          any chose in action or a conveyance of title to real or  
26          personal property or resign memberships in exchanges,

1 clubs, or other entities in the same manner and to the same  
2 extent as a court could do in any proceeding by a judgment  
3 creditor to enforce payment of a judgment or in aid of the  
4 enforcement of a judgment.

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

17 (d) No order or judgment shall be entered under subsection  
18 (c) in favor of the judgment creditor unless there appears of  
19 record a certification ~~of mailing~~ showing that a copy of the  
20 citation, ~~and~~ a copy of the citation notice, and, in the case  
21 of a judgment debtor who is a natural person, the Income and  
22 Asset Form were served upon ~~was mailed to~~ the judgment debtor  
23 as required by subsection (b), the judgment debtor has had an  
24 opportunity to assert exemptions, and the payments are from  
25 non-exempt sources. Any action properly initiated under this  
26 Section may proceed notwithstanding an absent or incomplete

1 Income and Asset Form, and a judgment debtor may be examined  
2 for the purpose of allowing the judgment creditor to discover  
3 income and assets belonging to the judgment debtor or in which  
4 the judgment debtor has an interest.

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.

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

25 (735 ILCS 5/12-107.5 new)

1       Sec. 12-107.5. Body attachment order.

2       (a) No order of body attachment or other civil order for  
3 the incarceration or detention of a natural person respondent  
4 to answer for a charge of indirect civil contempt shall issue  
5 unless the respondent has first had an opportunity, after  
6 personal service or abode service of notice as provided in  
7 Section 2-203, and served by a person authorized to serve  
8 process as provided by rule, to appear in court to show cause  
9 why the respondent should not be held in contempt.

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

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

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

16       (e) Upon discharge of any bond secured by the posting of  
17 funds, the funds shall be returned to the respondent or other  
18 party posting the bond, unless the court after inquiry  
19 determines that: (1) the judgment debtor has willfully refused  
20 to comply with a payment order entered in accordance with  
21 Section 2-1402 or an otherwise validly entered order; and (2)  
22 that any part of the funds constitute non-exempt funds of the  
23 judgment debtor, in which case the court may cause the  
24 non-exempt portion of the funds to be paid over to the judgment  
25 creditor.

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

3           Section 99. Effective date. This Act takes effect upon  
4 becoming law.