

AN ACT concerning civil law.

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

Section 5. The Clerks of Courts Act is amended by changing Section 27.1b as follows:

(705 ILCS 105/27.1b)

Sec. 27.1b. Circuit court clerk fees. Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. Except as otherwise specified in this Section, all fees under this Section shall be paid in advance and disbursed by each clerk on a monthly basis. In a county with a population of over 3,000,000, units of local government and school districts shall not be required to pay fees under this Section in advance and the clerk shall instead send an itemized bill to the unit of local government or school district, within 30 days of the fee being incurred, and the unit of local government or school district shall be allowed at least 30 days from the date of the itemized bill to pay; these payments shall be disbursed by each clerk on a monthly basis. Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the

county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county. In a county with a population of over 3,000,000, any amount retained by the clerk of the circuit court or remitted to the county treasurer shall be subject to appropriation by the county board.

(a) Civil cases. The fee for filing a complaint, petition, or other pleading initiating a civil action shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of \$366 in a county with a population of 3,000,000 or more and not to exceed \$316 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and in an amount not to exceed \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) \$2 into the Access to Justice Fund; and

(iii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$290 in a county with a population of 3,000,000 or more and in an amount not to exceed \$250 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of \$357 in a county with a population of 3,000,000 or more and not to exceed \$266 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and in an amount not to exceed \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) \$2 into the Access to Justice Fund: and

(iii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$281 in a county with a population of 3,000,000 or more and in an amount not to exceed \$200 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: not to exceed a total of \$265 in a

county with a population of 3,000,000 or more and not to exceed \$89 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$55 in a county with a population of 3,000,000 or more and in an amount not to exceed \$22 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit \$11 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts in accordance with the clerk's instructions, as follows:

(i) \$2 into the Access to Justice Fund; and

(ii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$199 in a county with a population of 3,000,000 or more and in an amount not to exceed \$56 in any other county, as specified by ordinance or resolution passed by the county board,

for purposes related to the operation of the court system in the county.

(4) SCHEDULE 4: \$0.

(b) Appearance. The fee for filing an appearance in a civil action, including a cannabis civil law action under the Cannabis Control Act, shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of \$230 in a county with a population of 3,000,000 or more and not to exceed \$191 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$50 in a county with a population of 3,000,000 or more and in an amount not to exceed \$45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to \$21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to \$10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) \$2 into the Access to Justice Fund; and

(iii) \$9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$159 in a county with a population of 3,000,000 or more and in an amount not to exceed \$125 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of \$130 in a county with a population of 3,000,000 or more and not to exceed \$109 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed \$50 in a county with a population of 3,000,000 or more and in an amount not to exceed \$10 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court

automation, court document storage, and administrative purposes.

(B) The clerk shall remit \$9 to the State Treasurer, which the State Treasurer shall deposit into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed \$71 in a county with a population of 3,000,000 or more and in an amount not to exceed \$90 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: \$0.

(b-5) Kane County and Will County. In Kane County and Will County civil cases, there is an additional fee of up to \$30 as set by the county board under Section 5-1101.3 of the Counties Code to be paid by each party at the time of filing the first pleading, paper, or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance. Distribution of fees collected under this subsection (b-5) shall be as provided in Section 5-1101.3 of the Counties Code.

(c) Counterclaim or third party complaint. When any defendant files a counterclaim or third party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third party

complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

(d) Alias summons. The clerk shall collect a fee not to exceed \$6 in a county with a population of 3,000,000 or more and not to exceed \$5 in any other county for each alias summons or citation issued by the clerk, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$5 for each alias summons or citation issued by the clerk.

(e) Jury services. The clerk shall collect, in addition to other fees allowed by law, a sum not to exceed \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the action or proceeding shall be tried by the court without a jury.

(f) Change of venue. In connection with a change of venue:

(1) The clerk of the jurisdiction from which the case

is transferred may charge a fee, not to exceed \$40, for the preparation and certification of the record; and

(2) The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

(g) Petition to vacate or modify.

(1) In a proceeding involving a petition to vacate or modify any final judgment or order filed within 30 days after the judgment or order was entered, except for an eviction case, small claims case, petition to reopen an estate, petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed \$60 in a county with a population of 3,000,000 or more and shall not exceed \$50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$50.

(2) In a proceeding involving a petition to vacate or modify any final judgment or order filed more than 30 days after the judgment or order was entered, except for a petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed \$75.

(3) In a proceeding involving a motion to vacate or

amend a final order, motion to vacate an ex parte judgment, judgment of forfeiture, or "failure to appear" or "failure to comply" notices sent to the Secretary of State, the fee shall equal \$40.

(h) Appeals preparation. The fee for preparation of a record on appeal shall be based on the number of pages, as follows:

(1) if the record contains no more than 100 pages, the fee shall not exceed \$70 in a county with a population of 3,000,000 or more and shall not exceed \$50 in any other county;

(2) if the record contains between 100 and 200 pages, the fee shall not exceed \$100; and

(3) if the record contains 200 or more pages, the clerk may collect an additional fee not to exceed 25 cents per page.

(i) Remands. In any cases remanded to the circuit court from the Supreme Court or the appellate court for a new trial, the clerk shall reinstate the case with either its original number or a new number. The clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement, the clerk shall advise the parties of the reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(j) Garnishment, wage deduction, and citation. In garnishment affidavit, wage deduction affidavit, and citation petition proceedings:

(1) if the amount in controversy in the proceeding is not more than \$1,000, the fee may not exceed \$35 in a county with a population of 3,000,000 or more and may not exceed \$15 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$15;

(2) if the amount in controversy in the proceeding is greater than \$1,000 and not more than \$5,000, the fee may not exceed \$45 in a county with a population of 3,000,000 or more and may not exceed \$30 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$30; and

(3) if the amount in controversy in the proceeding is greater than \$5,000, the fee may not exceed \$65 in a county with a population of 3,000,000 or more and may not exceed \$50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$50.

(j-5) Debt collection. In any proceeding to collect a debt subject to the exception in item (ii) of subparagraph (A-5) of

paragraph (1) of subsection (z) of this Section, the circuit court shall order and the clerk shall collect from each judgment debtor a fee of:

(1) \$35 if the amount in controversy in the proceeding is not more than \$1,000;

(2) \$45 if the amount in controversy in the proceeding is greater than \$1,000 and not more than \$5,000; and

(3) \$65 if the amount in controversy in the proceeding is greater than \$5,000.

(k) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, the clerk may collect a fee of up to 2.5% of the amount collected and turned over.

(2) In child support and maintenance cases, the clerk may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee is in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex officio, to be used by the clerk to maintain child support orders and record all payments

issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(3) The clerk may collect a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Illinois Vehicle Code, and this fee shall be deposited into the Separate Maintenance and Child Support Collection Fund.

(4) In proceedings to foreclose the lien of delinquent real estate taxes, State's Attorneys shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings. The clerk shall collect the fee from the total amount realized from the sale of the real estate sold in the proceedings and remit to the County Treasurer to be credited to the earnings of the Office of the State's Attorney.

(l) Mailing. The fee for the clerk mailing documents shall not exceed \$10 plus the cost of postage.

(m) Certified copies. The fee for each certified copy of a judgment, after the first copy, shall not exceed \$10.

(n) Certification, authentication, and reproduction.

(1) The fee for each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office shall not

exceed \$6.

(2) The fee for reproduction of any document contained in the clerk's files shall not exceed:

(A) \$2 for the first page;

(B) 50 cents per page for the next 19 pages; and

(C) 25 cents per page for all additional pages.

(o) Record search. For each record search, within a division or municipal district, the clerk may collect a search fee not to exceed \$6 for each year searched.

(p) Hard copy. For each page of hard copy print output, when case records are maintained on an automated medium, the clerk may collect a fee not to exceed \$10 in a county with a population of 3,000,000 or more and not to exceed \$6 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed \$6.

(q) Index inquiry and other records. No fee shall be charged for a single plaintiff and defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(r) Performing a marriage. There shall be a \$10 fee for

performing a marriage in court.

(s) Voluntary assignment. For filing each deed of voluntary assignment, the clerk shall collect a fee not to exceed \$20. For recording a deed of voluntary assignment, the clerk shall collect a fee not to exceed 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(t) Expungement petition. Except as provided in Sections 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may collect a fee not to exceed \$60 for each expungement petition filed and an additional fee not to exceed \$4 for each certified copy of an order to expunge arrest records.

(u) Transcripts of judgment. For the filing of a transcript of judgment, the clerk may collect the same fee as if it were the commencement of a new suit.

(v) Probate filings.

(1) For each account (other than one final account) filed in the estate of a decedent, or ward, the fee shall not exceed \$25.

(2) For filing a claim in an estate when the amount claimed is greater than \$150 and not more than \$500, the fee shall not exceed \$40 in a county with a population of 3,000,000 or more and shall not exceed \$25 in any other county; when the amount claimed is greater than \$500 and not more than \$10,000, the fee shall not exceed \$55 in a county with a population of 3,000,000 or more and shall not exceed \$40 in any other county; and when the amount claimed is more than \$10,000, the fee shall not exceed \$75 in a county with a population of 3,000,000 or more and shall not exceed \$60 in any other county; except the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(3) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall not exceed \$60.

(4) There shall be no fee for filing in an estate: (i) the appearance of any person for the purpose of consent; or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator.

(5) For each jury demand, the fee shall not exceed

\$137.50.

(6) For each certified copy of letters of office, of court order, or other certification, the fee shall not exceed \$2 per page.

(7) For each exemplification, the fee shall not exceed \$2, plus the fee for certification.

(8) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(9) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.

(10) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Corrections of numbers. For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, the fee shall not exceed \$25.

(x) Miscellaneous.

(1) Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.

(2) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, the clerk shall collect a fee of \$25.

(y) Other fees. Any fees not covered in this Section shall be set by rule or administrative order of the circuit court with the approval of the Administrative Office of the Illinois Courts. The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and agreed to by the clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(y-5) Unpaid fees. Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived under a court order, the clerk of the circuit court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid

after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be deposited into the Circuit Court Clerk Operations and Administration Fund and used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(z) Exceptions.

(1) No fee authorized by this Section shall apply to:

(A) police departments or other law enforcement agencies. In this Section, "law enforcement agency" means: an agency of the State or agency of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances; the Attorney General; or any State's Attorney;

(A-5) any unit of local government or school district, except in counties having a population of 500,000 or more the county board may by resolution set fees for units of local government or school districts no greater than the minimum fees applicable in counties with a population less than 3,000,000; provided however, no fee may be charged to any unit of local government or school district in connection with any action which, in whole or in part, is: (i) to enforce an ordinance; (ii) to collect a debt; or (iii)

under the Administrative Review Law;

(B) any action instituted by the corporate authority of a municipality with more than 1,000,000 inhabitants under Section 11-31-1 of the Illinois Municipal Code and any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1,200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;

(C) any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;

(D) a petitioner in any order of protection proceeding, including, but not limited to, fees for filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, issuing alias summons, any related filing service, or certifying, modifying, vacating, or photocopying any orders of protection;

(E) proceedings for the appointment of a confidential intermediary under the Adoption Act;

(F) a minor subject to Article III, IV, or V of the Juvenile Court Act of 1987, or the minor's parent,

guardian, or legal custodian; or

(G) a minor under the age of 18 transferred to adult court or excluded from juvenile court jurisdiction under Article V of the Juvenile Court Act of 1987, or the minor's parent, guardian, or legal custodian.

(2) No fee other than the filing fee contained in the applicable schedule in subsection (a) shall be charged to any person in connection with an adoption proceeding.

(3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" has the meaning provided by the Illinois Department of Children and Family Services.

(4) No fee may be charged for the filing of an appearance by any defendant in a small claim proceeding. As used in this Section, "small claim" means a proceeding as defined in Supreme Court Rule 281.

(Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff. 5-31-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24.)

Section 10. The Code of Civil Procedure is amended by changing Sections 2-1402, 2-1602, 12-108, 12-705, 12-707, 12-708, 12-901, 12-904, 12-906, 12-909, 12-910, 12-911, 12-912, 12-1001, and 13-218 and by adding Sections 2-1402.1, 12-705.1, and 12-1001.1 as follows:

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

Sec. 2-1402. Citations to discover assets.

(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute citations to discover assets for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A citation proceeding shall be commenced by the service of a citation issued by the clerk. The procedure for conducting citation proceedings shall be prescribed by rules. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "IF YOU FAIL TO APPEAR IN COURT AS DIRECTED IN THIS NOTICE, (1) YOU MAY LOSE YOUR RIGHT TO PROTECT MONEY IN YOUR BANK, SAVINGS BANK, OR CREDIT UNION AND OTHER ASSETS, AND (2) YOU MAY BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a continuance of the citation proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for

the judgment creditor or the judgment creditor setting forth the amount of the judgment, that the judgment is a consumer debt judgment if it qualifies as a consumer debt judgment under paragraph (b)(1) of Section 2-1303, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

(Name of Judgment Debtor),

Judgment Debtor.

Address of Judgment Debtor: (Insert last known

address)

Name and address of Attorney for Judgment

Creditor or of Judgment Creditor (If no

attorney is listed): (Insert name and address)

Amount of Judgment: \$ (Insert amount)

Name of Person Receiving Citation: (Insert name)

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

NOTICE: The court has issued a citation against the person named above. IF THE PERSON FAILS TO APPEAR IN COURT AT THE DATE AND TIME PROVIDED, THE PERSON MAY LOSE THE RIGHT TO PROTECT MONEY IN A BANK, SAVINGS BANK, OR CREDIT UNION ACCOUNT AND OTHER ASSETS AND COULD BE SUBJECT TO ARREST AND IMPRISONMENT.

The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH

MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor, of which \$1,000 will be automatically applied to a debtor's bank, savings bank, or credit union account through the end of the hearing noted above; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$3,600 ~~\$2,400~~ in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$2,250 ~~\$1,500~~ in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$50,000 for an individual and \$100,000 for two or more individual owners ~~\$15,000~~, which homestead is exempt from judgment.

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

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

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

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

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

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

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

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

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

INCOME AND ASSET FORM

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

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

In answer to the citation proceedings served upon the judgment debtor, he or she answers as follows:

Name:.....

Home Phone Number:.....

Home Address:.....

Date of Birth:.....

Marital Status:.....

I have.....dependents.

Do you have a job? YES NO

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

Company's address:.....

Job:

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

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

.....

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

I have the following benefits with my employer:

.....

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

Government Assistance \$..... per month

Unemployment \$..... per month

Social Security \$..... per month

SSI \$..... per month

Pension \$..... per month

Other \$..... per month

Real Estate:

Do you own any real estate? YES NO

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

.....

Additional real estate I own:

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

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

.....

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

I have the following accounts:

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

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

Money market or certificate of deposit at

Safe deposit box at

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

I own:

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

Jewelry (please specify):.....

Other property described as:.....

Stocks/Bonds.....

Personal computer.....

DVD player.....

Television.....

Stove.....

Microwave.....

Work tools.....

Business equipment.....

Farm equipment.....

Other property (please specify):

.....

Signature:.....

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

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

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

(2) Compel the judgment debtor to pay to the judgment

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

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

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

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

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

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

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

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

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

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

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

which he or she may be entitled or which may thereafter be acquired by or become due to him or her, and from paying over or otherwise disposing of any moneys not so exempt which are due or to become due to the judgment debtor, until the further order of the court or the termination of the proceeding, whichever occurs first. The third party may not be obliged to withhold the payment of any moneys beyond double the amount of the balance due sought to be enforced by the judgment creditor, subject to Section 12-1001.(d). The court may punish any party who violates the restraining provision of a citation as and for a contempt, or if the party is a third party may enter judgment against him or her in the amount of the unpaid portion of the judgment and costs allowable under this Section, or in the amount of the value of the property transferred, whichever is lesser.

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

(g) If it appears that any property, chose in action,

credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to appear and maintain his or her right. The rights of the person cited and the rights of any adverse claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

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

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

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

(k) (Blank).

(k-3) The court may enter any order upon or judgment against the respondent cited that could be entered in any garnishment proceeding under Part 7 of Article XII of this Code. This subsection (k-3) shall be construed as being

declarative of existing law and not as a new enactment.

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

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

(l) At any citation hearing at which the judgment debtor appears and seeks a declaration that certain of his or her income or assets are exempt, the court shall proceed to

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

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section, subject to subsection (c) of Section 12-1001.1. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

(1) When the citation is directed against the judgment

debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.

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

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The rights of citation respondents in property belonging to the judgment debtor in the possession or control of the citation respondent are not affected, impaired, or abridged by the automatic exemption defined in Section 12-1001.1. The lien is effective for the period specified by Supreme Court Rule.

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

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that

provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.

(o) The changes to this Section made by this amendatory Act of the 97th General Assembly apply only to citation proceedings commenced under this Section on or after the effective date of this amendatory Act of the 97th General Assembly. The requirements or limitations set forth in subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply to the enforcement of any order or judgment resulting from an adjudication of a municipal ordinance violation that is subject to Supreme Court Rules 570 through 579, or from an administrative adjudication of such an ordinance violation.

(Source: P.A. 101-191, eff. 8-2-19.)

(735 ILCS 5/2-1402.1 new)

Sec. 2-1402.1. Automatic exemption. When a consumer debt judgment, as defined in paragraph (b)(1) of Section 2-1303, has been entered against a judgment debtor, the debtor is entitled to a \$1,000 automatic exemption, as defined in Section 12-1001.1. A citation respondent's written answer shall set forth all the judgment debtor's personal property in its possession, even if it is not in excess of \$1,000.

(735 ILCS 5/2-1602)

Sec. 2-1602. Revival of judgment.

(a) Except as provided in subsections ~~subsection~~ (a-5) and (a-10), a judgment may be revived by filing a petition to revive the judgment in the seventh year after its entry, or in the seventh year after its last revival, or in the twentieth year after its entry, or at any other time within 20 years after its entry if the judgment becomes dormant and by serving the petition and entering a court order for revival as provided in the following subsections. The provisions of this amendatory Act of the 96th General Assembly are declarative of existing law.

(a-5) As used in this Section: ~~A consumer debt judgment as defined in subsection (b) of Section 2-1303 may be revived by filing a petition to revive the consumer debt judgment no later than 10 years after its entry and by serving the petition and entering a court order for revival as provided in this Section.~~

(1) "Consumer debt" means money or property, or the equivalent, due or owing, or alleged to be due or owing, from a natural person by reason of a transaction in which property, services, or money is acquired by that natural person for personal, family, or household purposes.

(2) "Consumer debt judgment" means a judgment recovered in any court against one or more natural persons arising out of a consumer debt. "Consumer debt judgment" does not include any compensation for bodily injury or death, nor any judgment entered if the debt is guaranteed

by or contains a joint and several liability provision between a natural person and a business, whether or not that business is legally constituted under the laws of this State or any other state.

(a-10) The following revival standards apply to judgments relating to consumer debt that were entered prior to January 1, 2020, and consumer debt judgments:

(1) A judgment relating to consumer debt entered before January 1, 2020 is not a consumer debt judgment and may be revived in accordance with subsection (a).

(2) A consumer debt judgment entered on or after January 1, 2020 through the date preceding the effective date of this amendatory Act of the 104th General Assembly may be revived by filing a petition to revive the consumer debt judgment no later than 10 years after its entry and by serving the petition and entering a court order as provided in this Section.

(3) A consumer debt judgment entered on or after the effective date of this amendatory Act of the 104th General Assembly may not be revived but may be enforceable for a period of 15 years after its entry.

The provisions of this amendatory Act of the 104th General Assembly are declarative of existing law, except subdivision (a-10) (3).

(b) A petition to revive a judgment shall be filed in the original case in which the judgment was entered. The petition

shall include a statement as to the original date and amount of the judgment, court costs expended, accrued interest, and credits to the judgment, if any.

(c) Service of notice of the petition to revive a judgment shall be made in accordance with Supreme Court Rule 106.

(d) An order reviving a judgment shall be for the original amount of the judgment. The plaintiff may recover interest and court costs from the date of the original judgment. Credits to the judgment shall be reflected by the plaintiff in supplemental proceedings or execution.

(e) If a judgment debtor has filed for protection under the United States Bankruptcy Code and failed to successfully adjudicate and remove a lien filed by a judgment creditor, then the judgment may be revived only as to the property to which a lien attached before the filing of the bankruptcy action.

(f) A judgment may be revived as to fewer than all judgment debtors, and such order for revival of judgment shall be final, appealable, and enforceable.

(g) This Section does not apply to a child support judgment or to a judgment recovered in an action for damages for an injury described in Section 13-214.1, which need not be revived as provided in this Section and which may be enforced at any time as provided in Section 12-108.

(h) If a judgment becomes dormant during the pendency of an enforcement proceeding against wages under Part 14 of this

Article or under Article XII, the enforcement may continue to conclusion without revival of the underlying judgment so long as the enforcement is done under court supervision and includes a wage deduction order or turn over order and is against an employer, garnishee, or other third party respondent.

(Source: P.A. 101-168, eff. 1-1-20.)

(735 ILCS 5/12-108) (from Ch. 110, par. 12-108)

Sec. 12-108. Limitation on enforcement.

(a) Except as herein provided, no judgment shall be enforced after the expiration of 7 years from the time the same is rendered, except upon the revival of the same by a proceeding provided by Section 2-1601 of this Act; but real estate, levied upon within the 7 years, may be sold to enforce the judgment at any time within one year after the expiration of the 7 years. A judgment recovered in an action for damages for an injury described in Section 13-214.1 may be enforced at any time. Child support judgments, including those arising by operation of law, may be enforced at any time. Consumer debt judgments may be revived or enforced in accordance with subsection (a-10) of Section 2-1602.

(b) No judgment shall be enforced against a police officer employed by a municipality if the corporate authority of the municipality files with the clerk of the court in which the judgment was entered a statement certifying: (1) such police

officer was employed by the municipality and was within the scope and course of his employment at the time of the occurrence giving rise to the action in which the judgment is entered and (2) the municipality indemnifies the police officer in the amount of the judgment and interest thereon. In such event, the judgment creditor may enforce the judgment against the municipality in the same manner and to the same extent as if the municipality were the judgment debtor.

(c) If a judgment or a consumer debt judgment becomes dormant during the pendency of an enforcement proceeding against wages under of Part 14 of Article II or Part 8 of Article XII, the enforcement may continue to conclusion if the enforcement is done under court supervision and includes a wage deduction order or turn over order and is against an employer, garnishee, or other third party respondent.

(Source: P.A. 101-168, eff. 1-1-20.)

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

Sec. 12-705. Summons.

(a) Summons shall be returnable not less than 21 nor more than 40 days after the date of issuance. Summons with one copy of the interrogatories shall be served and returned as in other civil cases. If the garnishee is served with summons less than 10 days prior to the return date, the court shall continue the case to a new return date 14 days after the return date stated on the summons. The summons shall be in a form

consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the amount of the judgment, that the judgment is a consumer debt judgment if it qualifies as a consumer debt judgment under paragraph (b) (1) of Section 2-1303, the name of the court and the number of the case and one copy of a garnishment notice in substantially the following form:

"GARNISHMENT NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

(Name of Judgment Debtor),

Judgment Debtor.

Address of Judgment Debtor: (Insert last known address)

Name and address of Attorney for Judgment

Creditor or of Judgment Creditor (If no

attorney is listed): (Insert name and address)

Amount of Judgment: \$(Insert amount)

Name of Garnishee: (Insert name)

Return Date: (Insert return date specified in summons)

NOTICE: The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishment summons was

issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor, of which \$1,000 will be automatically applied to a debtor's bank, savings bank, or credit union account until the return date; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$3,600 ~~\$2,400~~ in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$2,250 ~~\$1,500~~ in value, in any implements, professional books or tools of the trade of the debtor.

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

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare

exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at (insert address of Clerk) on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail."

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

"CERTIFICATE OF MAILING

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

Date:.....

Signature"

In the case of service of the summons for garnishment upon the garnishee by certified or registered mail, as provided in subsection (c) of this Section, no sooner than 2 business days nor later than 4 business days after the date of mailing, the clerk shall mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice, shall prepare the Certificate of Mailing described by this subsection, and shall include the Certificate of Mailing in a permanent record.

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

- (1) For each garnishee to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and

furnish to the clerk an original and 2 copies of a summons, an original and one copy of the interrogatories, an affidavit setting forth the garnishee's mailing address, an original and 2 copies of the garnishment notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk.

(2) The clerk shall mail to the garnishee, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the garnishment notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 10

days before the day for the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

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

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

(Source: P.A. 101-191, eff. 8-2-19.)

(735 ILCS 5/12-705.1 new)

Sec. 12-705.1. Automatic exemption. When a consumer debt judgment, as defined in paragraph (b)(1) of Section 2-1303, has been entered against a judgment debtor, the debtor is entitled to a \$1,000 automatic exemption, as defined in Section 12-1001.1. A garnishee's written answer shall set forth all the judgment debtor's personal property in its possession, even if it is not in excess of \$1,000.

(735 ILCS 5/12-707) (from Ch. 110, par. 12-707)

Sec. 12-707. Duties of garnishee.

(a) To the extent of the amount due upon the judgment and costs, the garnishee shall hold, subject to the order of the court any non-exempt indebtedness or other non-exempt property in his or her possession, custody or control belonging to the

judgment debtor or in which the judgment debtor has any interest, subject to subsection (c) of Section 12-1001.1. The judgment or balance due thereon becomes a lien on the indebtedness and other property held by the garnishee at the time of the service of garnishment summons and remains a lien thereon pending the garnishment proceeding subject to subsection (c) of Section 12-1001.1.

(b) The garnishee shall file, on or before the return date, or within the further time that the court for cause may allow, a written answer under oath to the interrogatories, setting forth as of the date of service of the garnishment summons any indebtedness due or to become due to the judgment debtor and any other property in his, her or its possession, custody or control belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishee shall mail, by first class mail, a copy of the answer to the judgment creditor or its attorney and to the judgment debtor at the address specified in the affidavit filed under Section 12-701 of this Act, or at any other address or location of the judgment debtor known to the garnishee, and shall certify in the answer that it was so mailed to the judgment debtor.

(Source: P.A. 87-1252.)

(735 ILCS 5/12-708) (from Ch. 110, par. 12-708)

Sec. 12-708. Deductions and set-offs of garnishee. The garnishee is entitled to assert against the indebtedness due

to the judgment debtor offsetting claims against either or both the judgment creditor and the judgment debtor, whether due at the time of service of the garnishment summons or thereafter to become due and whether liquidated or unliquidated, except claims for unliquidated damages for actions sounding in tort. To the extent that other property belonging to the judgment debtor or in which the judgment debtor has an interest is pledged to or held by the garnishee in good faith as security or that the garnishee has other just claim against the other property, the garnishee is entitled to retain the other property. The garnishee is liable for the balance of the indebtedness due to the judgment debtor after the offsetting claims are adjusted and for the balance of other property after deducting property to which the garnishee has just claim. The verdict or finding and judgment shall show the amount of offsetting claims or deductions allowed against each party. The rights of the garnishee in property belonging to the judgment debtor that is pledged to or held by the garnishee as security are not affected, impaired, or abridged by the automatic exemption defined in Section 12-1001.1.

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

(735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

Sec. 12-901. Amount. Every individual is entitled to an estate of homestead to the extent in value of \$50,000 ~~\$15,000~~ of his or her interest in a farm or lot of land and buildings

thereon, a condominium, or personal property, owned or rightly possessed by lease or otherwise and occupied by him or her as a residence, or in a cooperative that owns property that the individual uses as a residence. That homestead and all right in and title to that homestead is exempt from attachment, judgment, levy, or judgment sale for the payment of his or her debts or other purposes and from the laws of conveyance, descent, and legacy, except as provided in this Code or in Section 20-6 of the Probate Act of 1975. This Section is not applicable between joint tenants or tenants in common but it is applicable as to any creditors of those persons. If 2 or more individuals own property that is exempt as a homestead, the value of the exemption of each individual may not exceed his or her proportionate share of \$100,000 ~~\$30,000~~ based upon percentage of ownership.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

Sec. 12-904. Release, waiver or conveyance. No release, waiver or conveyance of the estate so exempted shall be valid, unless the same is in writing, signed by the individual and his or her spouse, if he or she have one, or possession is abandoned or given pursuant to the conveyance; or if the exception is continued to a child or children without the order of a court directing a release thereof; but if a conveyance is made by an individual as grantor to his or her

spouse, such conveyance shall be effectual to pass the title expressed therein to be conveyed thereby, whether or not the grantor in such conveyance is joined therein by his or her spouse. In any case where such release, waiver or conveyance is taken by way of mortgage or security, the same shall only be operative as to such specific release, waiver or conveyance; and when the same includes different pieces of land, or the homestead is of greater value than \$50,000 for an individual owner or \$100,000 for 2 or more individual owners ~~\$15,000~~, the other lands shall first be sold before resorting to the homestead, and in case of the sale of such homestead, if any balance remains after the payment of the debt and costs, such balance shall, to the extent of \$50,000 for an individual owner or \$100,000 for 2 or more individual owners ~~\$15,000~~ be exempt, and be applied upon such homestead exemption in the manner provided by law.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

Sec. 12-906. Proceeds of sale. When a homestead is conveyed by the owner thereof, such conveyance shall not subject the premises to any lien or incumbrance to which it would not be subject in the possession of such owner; and the proceeds thereof, to the extent of the amount of \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~, shall be exempt

from judgment or other process, for one year after the receipt thereof, by the person entitled to the exemption, and if reinvested in a homestead the same shall be entitled to the same exemption as the original homestead.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

Sec. 12-909. Bid for less than exempted amount. No sale shall be made of the premises on such judgment unless a greater sum than \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~ is bid therefor. If a greater sum is not so bid, the judgment may be set aside or modified, or the enforcement of the judgment released, as for lack of property.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

Sec. 12-910. Proceedings to enforce judgment. If in the opinion of the judgment creditors, or the officer holding a certified copy of a judgment for enforcement against such individuals, the premises claimed by him or her as exempt are worth more than \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~, such officer shall summon 3 individuals, as commissioners, who shall, upon oath, to be administered to them by the officer, appraise the premises, and if, in their

opinion, the property may be divided without damage to the interest of the parties, they shall set off so much of the premises, including the dwelling house, as in their opinion is worth \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~, and the residue of the premises may be advertised and sold by such officer. Each commissioner shall receive for his or her services the sum of \$5 per day for each day necessarily engaged in such service. The officer summoning such commissioners shall receive such fees as may be allowed for serving summons, but shall be entitled to charge mileage for only the actual distance traveled from the premises to be appraised, to the residence of the commissioners summoned. The officer shall not be required to summon commissioners until the judgment creditor, or some one for him or her, shall advance to the officer one day's fees for the commissioners, and unless the creditor shall advance such fees the officer shall not be required to enforce the judgment. The costs of such appraisal shall not be taxed against the judgment debtor unless such appraisal shows that the judgment debtor has property subject to such judgment.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

Sec. 12-911. Notice to judgment debtor. In case the value of the premises is, in the opinion of the commissioners, more

than \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~, and cannot be divided as is provided for in Section 12-910 of this Act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the judgment debtor, or to some one of the family of the age of 13 years or upwards, with a notice thereto attached that unless the judgment debtor pays to such officer the surplus over and above \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~ on the amount due on the judgment within 60 days thereafter, such premises will be sold.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

Sec. 12-912. Sale of premises - Distribution of proceeds. In case of such surplus, or the amount due on the judgment is not paid within the 60 days, the officer may advertise and sell the premises, and out of the proceeds of such sale pay to such judgment debtor the sum of \$50,000 for premises owned by an individual owner or \$100,000 for premises owned by 2 or more individual owners ~~\$15,000~~, and apply the balance on the judgment.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)

Sec. 12-1001. Personal property exempt. The following personal property, owned by the debtor, is exempt from judgment, attachment, or distress for rent:

(a) All household goods, including but not limited to, the debtor's and the debtor's dependents' food, eating and cooking utensils, bedding, furniture, books, refrigerator, stove, microwave oven, kitchen appliances, necessary provisions, washing machine, clothes dryer, vacuum cleaner, yard equipment and household equipment and tools, all personal possessions, including, but not limited to, clothing, pets, personal health aids, medications, computers or similar electronic devices and telephones, except that a creditor may obtain court permission to levy on any item of furniture, appliance, electronic device, yard equipment, precious item, utensils, set of utensils, or any other item exempt under this subsection that has a resale value of more than \$5,000 unless that item is exempt under another provision of this Section. The debtor may exempt one piece of jewelry up to a value of \$5,000 ~~The necessary wearing apparel, bible, school books, and family pictures of the debtor and the debtor's dependents;~~

(b) The debtor's equity interest, not to exceed \$4,000 in value, of which \$1,000 is an automatic exemption pursuant to Section 12-1001.1, in any other property;

(c) The debtor's interest, not to exceed \$3,600 ~~\$2,400~~

in value, in any one motor vehicle;

(d) The debtor's equity interest, not to exceed \$2,250 ~~\$1,500~~ in value, in any implements, professional books, or tools of the trade of the debtor;

(e) Professionally prescribed health aids for the debtor or a dependent of the debtor;

(f) All proceeds payable because of the death of the insured and the aggregate net cash value of any or all life insurance and endowment policies and annuity contracts payable to a wife or husband of the insured, or to a child, parent, or other person dependent upon the insured, or to a revocable or irrevocable trust which names the wife or husband of the insured or which names a child, parent, or other person dependent upon the insured as the primary beneficiary of the trust, whether the power to change the beneficiary is reserved to the insured or not and whether the insured or the insured's estate is a contingent beneficiary or not;

(g) The debtor's right to receive:

(1) a social security benefit, unemployment compensation, or public assistance benefit;

(2) a veteran's benefit;

(3) a disability, illness, or unemployment benefit; and

(4) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the

debtor and any dependent of the debtor.

(h) The debtor's right to receive, or property that is traceable to:

(1) an award under a crime victim's reparation law;

(2) a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor;

(3) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor or a dependent of the debtor;

(4) a payment, not to exceed \$22,500 ~~\$15,000~~ in value, on account of personal bodily injury of the debtor or an individual of whom the debtor was a dependent; and

(5) any restitution payments made to persons pursuant to the federal Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act, P.L. 100-383.

For purposes of this subsection (h), a debtor's right to receive an award or payment shall be exempt for a maximum of 2 years after the debtor's right to receive the award or payment accrues; property traceable to an award

or payment shall be exempt for a maximum of 5 years after the award or payment accrues; and an award or payment and property traceable to an award or payment shall be exempt only to the extent of the amount of the award or payment, without interest or appreciation from the date of the award or payment.

(i) The debtor's right to receive an award under Part 20 of Article II of this Code relating to crime victims' awards.

(j) Moneys held in an account invested in the Illinois College Savings Pool of which the debtor is a participant or donor and funds invested in an ABLE Account as defined by Section 529 of the Internal Revenue Code, except the following non-exempt contributions:

(1) any contribution to such account by the debtor as participant or donor that is made with the actual intent to hinder, delay, or defraud any creditor of the debtor;

(2) any contributions to such account by the debtor as participant during the 365 day period prior to the date of filing of the debtor's petition for bankruptcy that, in the aggregate during such period, exceed the amount of the annual gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended, in effect at the time of contribution; or

(3) any contributions to such account by the debtor as participant during the period commencing 730 days prior to and ending 366 days prior to the date of filing of the debtor's petition for bankruptcy that, in the aggregate during such period, exceed the amount of the annual gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended, in effect at the time of contribution.

For purposes of this subsection (j), "account" includes all accounts for a particular designated beneficiary, of which the debtor is a participant or donor.

Money due the debtor from the sale of any personal property that was exempt from judgment, attachment, or distress for rent at the time of the sale is exempt from attachment and garnishment to the same extent that the property would be exempt had the same not been sold by the debtor.

If a debtor owns property exempt under this Section and he or she purchased that property with the intent of converting nonexempt property into exempt property or in fraud of his or her creditors, that property shall not be exempt from judgment, attachment, or distress for rent. Property acquired within 6 months of the filing of the petition for bankruptcy shall be presumed to have been acquired in contemplation of bankruptcy.

The personal property exemptions set forth in this Section shall apply only to individuals and only to personal property that is used for personal rather than business purposes. The personal property exemptions set forth in this Section shall not apply to or be allowed against any money, salary, or wages due or to become due to the debtor that are required to be withheld in a wage deduction proceeding under Part 8 of this Article XII.

(Source: P.A. 100-922, eff. 1-1-19.)

(735 ILCS 5/12-1001.1 new)

Sec. 12-1001.1. Automatic exemption.

(a) "Automatic exemption" means the right of a judgment debtor, against whom a consumer debt judgment as defined in paragraph (1) of subsection (b) of Section 2-1303 has been entered on or after January 1, 2020, to receive \$1,000 of the judgment debtor's equity interest in personal property held in a checking or savings deposit account by a third party citation respondent or garnishee immediately upon entry of the consumer debt judgment and before the entry of an order of the court (i) confirming the judgment debtor's personal property exemption in that sum of money, or (ii) otherwise directing the turnover of the funds to the judgment creditor. The automatic exemption is part of the judgment debtor's equity interest, not to exceed \$4,000 in value, in any property under subsection (b) of Section 12-1001.

(b) The judgment debtor's right to receive the automatic exemption expires on the return date, and the unspent portion of the automatic exemption shall be subject to the entry of an order by the court directing its turnover to the judgment creditor to be applied towards satisfaction of the judgment.

(c) The lien imposed by subsection (m) of Section 2-1402 with respect to a citation or subsection (a) of Section 12-707 with respect to a garnishment shall not apply to the automatic exemption prior to the return date.

(d) A third party citation respondent shall exclude the amount of the automatic exemption when withholding the payment of moneys sought to be enforced by the judgment creditor pursuant to paragraph (1) of subsection (f) of Section 2-1402.

(e) If a third party citation respondent or garnishee is ordered to turn over funds of the judgment debtor held in a checking or savings deposit account in its possession, it shall not be obligated to turn over funds in excess of the amount it is holding on the date that it processes the turnover order, irrespective of the account balance on the date of the judgment, the date of its answers to the citation or garnishment, or the return date. The turnover order shall operate to serve as a dismissal of the citation or garnishment and release of the judgment against the third party citation respondent or garnishee, upon the receipt of the turnover funds by the judgment creditor or its attorney.

(f) If the judgment debtor or the judgment debtor's

attorney does not appear on the return date to claim the judgment debtor's equity interest, not to exceed \$4,000, in any personal property held by the third party citation respondent or garnishee, the court may enter an order directing the turnover of the funds, including the automatic exemption or any remaining portion thereof, to the judgment creditor.

(735 ILCS 5/13-218) (from Ch. 110, par. 13-218)

Sec. 13-218. Revival of judgment. A petition to revive a judgment, as provided by Section 2-1601 of this Code, may be filed no later than 20 years next after the date of entry of such judgment. The provisions of this amendatory Act of the 96th General Assembly are declarative of existing law. This Section does not apply to consumer debt judgments that are subject to the standards and procedures set forth in subsection (a-10) of 2-1602.

(Source: P.A. 96-305, eff. 8-11-09.)

Section 99. Effective date. This Act takes effect January 1, 2026.

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Statutes amended in order of appearance

705 ILCS 105/27.1b
735 ILCS 5/2-1402 from Ch. 110, par. 2-1402
735 ILCS 5/2-1402.1 new
735 ILCS 5/2-1602
735 ILCS 5/12-108 from Ch. 110, par. 12-108
735 ILCS 5/12-705 from Ch. 110, par. 12-705
735 ILCS 5/12-705.1 new
735 ILCS 5/12-707 from Ch. 110, par. 12-707
735 ILCS 5/12-708 from Ch. 110, par. 12-708
735 ILCS 5/12-901 from Ch. 110, par. 12-901
735 ILCS 5/12-904 from Ch. 110, par. 12-904
735 ILCS 5/12-906 from Ch. 110, par. 12-906
735 ILCS 5/12-909 from Ch. 110, par. 12-909
735 ILCS 5/12-910 from Ch. 110, par. 12-910
735 ILCS 5/12-911 from Ch. 110, par. 12-911
735 ILCS 5/12-912 from Ch. 110, par. 12-912
735 ILCS 5/12-1001 from Ch. 110, par. 12-1001
735 ILCS 5/12-1001.1 new
735 ILCS 5/13-218 from Ch. 110, par. 13-218