



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4567**

Introduced 1/30/2026, by Rep. Dagmara Avelar

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1301

from Ch. 110, par. 2-1301

Amends the Code of Civil Procedure. Prohibits a court from entering a default judgment against a party if the party: (1) is a pro se litigant; (2) has a specified disability or health condition; and (3) failed to appear at a hearing due to that disability or health condition. Provides that a party who meets these requirements is not required to give notice to the court of the party's inability to appear at a hearing. Provides that any default judgment entered against a party who meets these requirements shall be set aside and the party may seek relief from the default judgment. Applies to all default judgments, whether entered before, on, or after the effective date of the amendatory Act.

LRB104 17623 JRC 31054 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-1301 as follows:

6 (735 ILCS 5/2-1301) (from Ch. 110, par. 2-1301)  
7 Sec. 2-1301. Judgments - Default - Confession.

8 (a) The court shall determine the rights of the parties  
9 and grant to any party any affirmative relief to which the  
10 party may be entitled on the pleadings and proofs. Judgments  
11 shall be in the form required by the nature of the case and by  
12 the recovery or relief awarded. More than one judgment may be  
13 rendered in the same cause. If relief is granted against a  
14 party who upon satisfying the same in whole or in part will be  
15 entitled by operation of law to be reimbursed by another party  
16 to the action, the court may determine the rights of the  
17 parties as between themselves, and may thereafter upon motion  
18 and notice in the cause, and upon a showing that satisfaction  
19 has been made, render a final judgment against the other party  
20 accordingly.

21 (b) A determination in favor of the plaintiff on an issue  
22 as to the truth or validity of any defense in abatement shall  
23 be that the defendant answer or otherwise plead.

1           (c) Except as otherwise limited by this subsection (c),  
2 any person for a debt bona fide due may confess judgment by  
3 himself or herself or attorney duly authorized, without  
4 process. The application to confess judgment shall be made in  
5 the county in which the note or obligation was executed or in  
6 the county in which one or more of the defendants reside or in  
7 any county in which is located any property, real or personal,  
8 owned by any one or more of the defendants. A judgment entered  
9 by any court in any county other than those herein specified  
10 has no force or validity, anything in the power to confess to  
11 the contrary notwithstanding.

12           No power to confess judgment shall be required or given  
13 after September 24, 1979 in any instrument used in a consumer  
14 transaction; any power to confess given in violation hereof is  
15 null and void and any judgment entered by a court based on such  
16 power shall be unenforceable. "Consumer transaction" as used  
17 in this Section means a sale, lease, assignment, loan, or  
18 other disposition of an item of goods, a consumer service, or  
19 an intangible to an individual for purposes that are primarily  
20 personal, family, or household.

21           (d) Judgment by default may be entered for want of an  
22 appearance, or for failure to plead, but the court may in  
23 either case, require proof of the allegations of the pleadings  
24 upon which relief is sought.

25           (e) The court may in its discretion, before final order or  
26 judgment, set aside any default, and may on motion filed

1 within 30 days after entry thereof set aside any final order or  
2 judgment upon any terms and conditions that shall be  
3 reasonable.

4 (f) The fact that any order or judgment is joint does not  
5 deprive the court of power to set it aside as to fewer than all  
6 the parties, and if so set aside it remains in full force and  
7 effect as to the other parties.

8 (g) If any final judgment is entered against any defendant  
9 who has been served by publication with notice of the  
10 commencement of the action and who has not been served with a  
11 copy of the complaint, or received the notice required to be  
12 sent him or her by mail, or otherwise brought into court, and  
13 such defendant or his or her heirs, legatees, or personal  
14 representatives, as the case may require, shall, within 90  
15 days after notice in writing given him or her of the judgment,  
16 or within 1 year after the judgment, if no notice has been  
17 given, appear in open court and petition to be heard touching  
18 the matter of the judgment, the court shall upon notice being  
19 given to the parties to such action who appeared therein and  
20 the purchaser at a sale made pursuant to the judgment, or their  
21 attorneys, set the petition for hearing and may allow the  
22 parties and the purchaser to answer the petition. If upon the  
23 hearing it appears that the judgment ought not to have been  
24 made against the defendant, it may be set aside, altered or  
25 amended as appears just; otherwise the petition shall be  
26 dismissed at petitioner's costs. If, however, a sale has been

1 had under and pursuant to the final judgment, the court, in  
2 altering or amending the judgment may, upon terms just and  
3 equitable to the defendant, permit the sale to stand. If upon  
4 the hearing of the petition it appears that the defendant was  
5 entitled under the law to redeem from the sale, the court shall  
6 permit redemption to be made at any time within 90 days  
7 thereafter, upon terms that are equitable and just.

8 (h) A court may not enter a default judgment against a  
9 party if the party:

10 (1) is a pro se litigant;

11 (2) is a person with a disability as defined under the  
12 Americans with Disabilities Act, the Illinois Human Rights  
13 Act, or any applicable local ordinances; and

14 (A) has a disability or health condition that  
15 interferes with the person's ability to appear at the  
16 hearing or participate in court proceedings; or

17 (B) has a health condition that puts others at  
18 risk of contracting this health condition; and

19 (3) failed to appear at a hearing or participate in  
20 court proceedings because of the disability or health  
21 condition.

22 If a party cannot provide prior notice to the court of the  
23 party's inability to attend or participate because of  
24 disability or a health condition and the party is subsequently  
25 defaulted, this default shall be vacated upon notice being  
26 given to the court explaining the party's failure to notify

1 and inability to attend.

2 Any default judgment entered against a party who meets the  
3 requirements of this subsection is void as against public  
4 policy. If less than 30 days have passed since entry of the  
5 default judgment, the default shall be set aside under  
6 subsection (e). If 30 days or more have passed since the entry  
7 of the default judgment, the default shall be set aside under  
8 Section 2-1401(f).

9 This subsection applies to all default judgments, whether  
10 entered before, on, or after the effective date of this  
11 amendatory Act of the 104th General Assembly, if the default  
12 judgment was entered in violation of this subsection. This  
13 subsection is intended to nullify any judgment that is  
14 procured or has been procured in violation of Section 2 of  
15 Article I of the Illinois Constitution, the Americans with  
16 Disabilities Act, or the 14th Amendment of the Due Process  
17 Clause of the United States Constitution.

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