

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

6 (705 ILCS 105/27.1b)

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

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

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

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

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and in an amount not to exceed \$45 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 county with a population of 3,000,000 or more and not to
2 exceed \$89 in any other county, except as applied to units
3 of local government and school districts in counties with
4 more than 3,000,000 inhabitants an amount not to exceed
5 \$190 through December 31, 2021 and \$184 on and after
6 January 1, 2022. The fees collected under this schedule
7 shall be disbursed as follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$55 in a county with a population of
10 3,000,000 or more and in an amount not to exceed \$22 in
11 any other county determined by the clerk with the
12 approval of the Supreme Court, to be used for court
13 automation, court document storage, and administrative
14 purposes.

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

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

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

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

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

3 (4) SCHEDULE 4: \$0.

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

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

16 (A) The clerk shall retain a sum, in an amount not
17 to exceed \$50 in a county with a population of
18 3,000,000 or more and in an amount not to exceed \$45 in
19 any other county determined by the clerk with the
20 approval of the Supreme Court, to be used for court
21 automation, court document storage, and administrative
22 purposes.

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

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

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

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

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

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

22 (A) The clerk shall retain a sum, in an amount not
23 to exceed \$50 in a county with a population of
24 3,000,000 or more and in an amount not to exceed \$10 in
25 any other county determined by the clerk with the
26 approval of the Supreme Court, to be used for court

1 automation, court document storage, and administrative
2 purposes.

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

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

13 (3) SCHEDULE 3: \$0.

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

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

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

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

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

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

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

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

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

6 (g) Petition to vacate or modify.

7 (1) In a proceeding involving a petition to vacate or
8 modify any final judgment or order filed within 30 days
9 after the judgment or order was entered, except for an
10 eviction case, small claims case, petition to reopen an
11 estate, petition to modify, terminate, or enforce a
12 judgment or order for child or spousal support, or
13 petition to modify, suspend, or terminate an order for
14 withholding, the fee shall not exceed \$60 in a county with
15 a population of 3,000,000 or more and shall not exceed \$50
16 in any other county, except as applied to units of local
17 government and school districts in counties with more than
18 3,000,000 inhabitants an amount not to exceed \$50.

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

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

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

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

8 (1) if the record contains no more than 100 pages, the
9 fee shall not exceed \$70 in a county with a population of
10 3,000,000 or more and shall not exceed \$50 in any other
11 county;

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

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

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

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

4 (1) if the amount in controversy in the proceeding is
5 not more than \$1,000, the fee may not exceed \$35 in a
6 county with a population of 3,000,000 or more and may not
7 exceed \$15 in any other county, except as applied to units
8 of local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$15;

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

18 (3) if the amount in controversy in the proceeding is
19 greater than \$5,000, the fee may not exceed \$65 in a county
20 with a population of 3,000,000 or more and may not exceed
21 \$50 in any other county, except as applied to units of
22 local government and school districts in counties with
23 more than 3,000,000 inhabitants an amount not to exceed
24 \$50.

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

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

4 (1) \$35 if the amount in controversy in the proceeding
5 is not more than \$1,000;

6 (2) \$45 if the amount in controversy in the proceeding
7 is greater than \$1,000 and not more than \$5,000; and

8 (3) \$65 if the amount in controversy in the proceeding
9 is greater than \$5,000.

10 (k) Collections.

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

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

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

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

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

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

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

23 (n) Certification, authentication, and reproduction.

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

1 exceed \$6.

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

4 (A) \$2 for the first page;

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

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

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

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

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

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

1 performing a marriage in court.

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

15 (t) Expungement petition. Except as provided in Sections
16 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may
17 collect a fee not to exceed \$60 for each expungement petition
18 filed and an additional fee not to exceed \$4 for each certified
19 copy of an order to expunge arrest records.

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

23 (v) Probate filings.

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

1 (2) For filing a claim in an estate when the amount
2 claimed is greater than \$150 and not more than \$500, the
3 fee shall not exceed \$40 in a county with a population of
4 3,000,000 or more and shall not exceed \$25 in any other
5 county; when the amount claimed is greater than \$500 and
6 not more than \$10,000, the fee shall not exceed \$55 in a
7 county with a population of 3,000,000 or more and shall
8 not exceed \$40 in any other county; and when the amount
9 claimed is more than \$10,000, the fee shall not exceed \$75
10 in a county with a population of 3,000,000 or more and
11 shall not exceed \$60 in any other county; except the court
12 in allowing a claim may add to the amount allowed the
13 filing fee paid by the claimant.

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

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

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

1 \$137.50.

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

5 (7) For each exemplification, the fee shall not exceed
6 \$2, plus the fee for certification.

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

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

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

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

26 (x) Miscellaneous.

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

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

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

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

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

8 (z) Exceptions.

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

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

17 (A-5) any unit of local government or school
18 district, except in counties having a population of
19 500,000 or more the county board may by resolution set
20 fees for units of local government or school districts
21 no greater than the minimum fees applicable in
22 counties with a population less than 3,000,000;
23 provided however, no fee may be charged to any unit of
24 local government or school district in connection with
25 any action which, in whole or in part, is: (i) to
26 enforce an ordinance; (ii) to collect a debt; or (iii)

1 under the Administrative Review Law;

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

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

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

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

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

1 guardian, or legal custodian; or

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

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

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

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

18 (Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff.
20 5-31-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24.)

21 Section 10. The Code of Civil Procedure is amended by
22 changing Sections 2-1402, 2-1602, 12-108, 12-705, 12-707,
23 12-708, 12-901, 12-904, 12-906, 12-909, 12-910, 12-911,
24 12-912, 12-1001, and 13-218 and by adding Sections 2-1402.1,
25 12-705.1, and 12-1001.1 as follows:

1 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

2 Sec. 2-1402. Citations to discover assets.

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

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

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

20 "CITATION NOTICE

21 (Name and address of Court)

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

23 Judgment Creditor v.

24 (Name of Judgment Debtor),

25 Judgment Debtor.

26 Address of Judgment Debtor: (Insert last known

1 address)
2 Name and address of Attorney for Judgment
3 Creditor or of Judgment Creditor (If no
4 attorney is listed): (Insert name and address)
5 Amount of Judgment: \$ (Insert amount)
6 Name of Person Receiving Citation: (Insert name)
7 Court Date and Time: (Insert return date and time
8 specified in citation)

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

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

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

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

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

18 (2) Under Illinois law, every person is entitled to an
19 estate in homestead, when it is owned and occupied as a
20 residence, to the extent in value of \$50,000 for an
21 individual and \$100,000 for two or more individual owners
22 ~~\$15,000~~, which homestead is exempt from judgment.

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

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

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

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

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

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

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

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

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

6 INCOME AND ASSET FORM

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

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

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

21 Name:.....

22 Home Phone Number:.....

23 Home Address:.....

24 Date of Birth:.....

1 Marital Status:.....

2 I have.....dependents.

3 Do you have a job? YES NO

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

5 Company's address:.....

6 Job:

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

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

10

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

13 I have the following benefits with my employer:

14

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

16 Government Assistance \$..... per month

17 Unemployment \$..... per month

18 Social Security \$..... per month

19 SSI \$..... per month

20 Pension \$..... per month

21 Other \$..... per month

22 Real Estate:

23 Do you own any real estate? YES NO

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

1
2

3 Additional real estate I own:

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

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

10

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

13 I have the following accounts:

14 Checking account at;

15 account balance \$.....

16 Savings account at;

17 account balance \$.....

18 Money market or certificate of deposit at

19 Safe deposit box at

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

21 I own:

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

23 Jewelry (please specify):.....

24 Other property described as:.....

25 Stocks/Bonds.....

26 Personal computer.....

DVD player.....

1 Television.....

2 Stove.....

3 Microwave.....

4 Work tools.....

5 Business equipment.....

6 Farm equipment.....

7 Other property (please specify):

8

9 Signature:.....

10 (b-10) Any action properly initiated under this Section

11 may proceed notwithstanding an absent or incomplete Income and

12 Asset Form, and a judgment debtor may be examined for the

13 purpose of allowing the judgment creditor to discover income

14 and assets belonging to the judgment debtor or in which the

15 judgment debtor has an interest.

16 (c) When assets or income of the judgment debtor not

17 exempt from the satisfaction of a judgment, a deduction order

18 or garnishment are discovered, the court may, by appropriate

19 order or judgment:

20 (1) Compel the judgment debtor to deliver up, to be

21 applied in satisfaction of the judgment, in whole or in

22 part, money, choses in action, property or effects in his

23 or her possession or control, so discovered, capable of

24 delivery and to which his or her title or right of

25 possession is not substantially disputed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (k) (Blank).

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

1 declarative of existing law and not as a new enactment.

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

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

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

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

20 (m) The judgment or balance due on the judgment becomes a
21 lien when a citation is served in accordance with subsection
22 (a) of this Section, subject to subsection (c) of Section
23 12-1001.1. The lien binds nonexempt personal property,
24 including money, choses in action, and effects of the judgment
25 debtor as follows:

26 (1) When the citation is directed against the judgment

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

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

13 The lien established under this Section does not affect
14 the rights of citation respondents in property prior to the
15 service of the citation upon them and does not affect the
16 rights of bona fide purchasers or lenders without notice of
17 the citation. The rights of citation respondents in property
18 belonging to the judgment debtor in the possession or control
19 of the citation respondent are not affected, impaired, or
20 abridged by the automatic exemption defined in Section
21 12-1001.1. The lien is effective for the period specified by
22 Supreme Court Rule.

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

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

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

4 (o) The changes to this Section made by this amendatory
5 Act of the 97th General Assembly apply only to citation
6 proceedings commenced under this Section on or after the
7 effective date of this amendatory Act of the 97th General
8 Assembly. The requirements or limitations set forth in
9 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not
10 apply to the enforcement of any order or judgment resulting
11 from an adjudication of a municipal ordinance violation that
12 is subject to Supreme Court Rules 570 through 579, or from an
13 administrative adjudication of such an ordinance violation.
14 (Source: P.A. 101-191, eff. 8-2-19.)

15 (735 ILCS 5/2-1402.1 new)

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

23 (735 ILCS 5/2-1602)

24 Sec. 2-1602. Revival of judgment.

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

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

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

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

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

5 (a-10) The following revival standards apply to judgments
6 relating to consumer debt that were entered prior to January
7 1, 2020, and consumer debt judgments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (735 ILCS 5/12-108) (from Ch. 110, par. 12-108)

9 Sec. 12-108. Limitation on enforcement.

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

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

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

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

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

17 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

18 Sec. 12-705. Summons.

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

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

10 "GARNISHMENT NOTICE

11 (Name and address of Court)

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

13 Judgment Creditor v.

14 (Name of Judgment Debtor),

15 Judgment Debtor.

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

17 Name and address of Attorney for Judgment

18 Creditor or of Judgment Creditor (If no

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

20 Amount of Judgment: \$(Insert amount)

21 Name of Garnishee: (Insert name)

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

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

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

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

9 Under Illinois or federal law, the exemptions of personal
10 property owned by the debtor include the debtor's equity
11 interest, not to exceed \$4,000 in value, in any personal
12 property as chosen by the debtor, of which \$1,000 will be
13 automatically applied to a debtor's bank, savings bank, or
14 credit union account until the return date; Social Security
15 and SSI benefits; public assistance benefits; unemployment
16 compensation benefits; workers' compensation benefits;
17 veterans' benefits; circuit breaker property tax relief
18 benefits; the debtor's equity interest, not to exceed \$3,600
19 ~~\$2,400~~ in value, in any one motor vehicle, and the debtor's
20 equity interest, not to exceed \$2,250 ~~\$1,500~~ in value, in any
21 implements, professional books or tools of the trade of the
22 debtor.

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

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

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

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

26 "CERTIFICATE OF MAILING

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

7 Date:.....

8 Signature"

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

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

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

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

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

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

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

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

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

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

11 (735 ILCS 5/12-705.1 new)

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

19 (735 ILCS 5/12-707) (from Ch. 110, par. 12-707)

20 Sec. 12-707. Duties of garnishee.

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

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

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

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

23 (735 ILCS 5/12-708) (from Ch. 110, par. 12-708)

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

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

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

22 (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

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

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

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

17 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

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

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

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

18 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

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

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

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

6 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

7 Sec. 12-909. Bid for less than exempted amount. No sale
8 shall be made of the premises on such judgment unless a greater
9 sum than \$50,000 for premises owned by an individual owner or
10 \$100,000 for premises owned by 2 or more individual owners
11 ~~\$15,000~~ is bid therefor. If a greater sum is not so bid, the
12 judgment may be set aside or modified, or the enforcement of
13 the judgment released, as for lack of property.

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

15 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

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

1 opinion, the property may be divided without damage to the
2 interest of the parties, they shall set off so much of the
3 premises, including the dwelling house, as in their opinion is
4 worth \$50,000 for premises owned by an individual owner or
5 \$100,000 for premises owned by 2 or more individual owners
6 ~~\$15,000~~, and the residue of the premises may be advertised and
7 sold by such officer. Each commissioner shall receive for his
8 or her services the sum of \$5 per day for each day necessarily
9 engaged in such service. The officer summoning such
10 commissioners shall receive such fees as may be allowed for
11 serving summons, but shall be entitled to charge mileage for
12 only the actual distance traveled from the premises to be
13 appraised, to the residence of the commissioners summoned. The
14 officer shall not be required to summon commissioners until
15 the judgment creditor, or some one for him or her, shall
16 advance to the officer one day's fees for the commissioners,
17 and unless the creditor shall advance such fees the officer
18 shall not be required to enforce the judgment. The costs of
19 such appraisal shall not be taxed against the judgment
20 debtor unless such appraisal shows that the judgment debtor
21 has property subject to such judgment.

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

23 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

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

1 than \$50,000 for premises owned by an individual owner or
2 \$100,000 for premises owned by 2 or more individual owners
3 ~~\$15,000~~, and cannot be divided as is provided for in Section
4 12-910 of this Act, they shall make and sign an appraisal of
5 the value thereof, and deliver the same to the officer, who
6 shall deliver a copy thereof to the judgment debtor, or to some
7 one of the family of the age of 13 years or upwards, with a
8 notice thereto attached that unless the judgment debtor pays
9 to such officer the surplus over and above \$50,000 for
10 premises owned by an individual owner or \$100,000 for premises
11 owned by 2 or more individual owners ~~\$15,000~~ on the amount due
12 on the judgment within 60 days thereafter, such premises will
13 be sold.

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

15 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

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

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

1 (735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)

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

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

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

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

1 in value, in any one motor vehicle;

2 (d) The debtor's equity interest, not to exceed \$2,250
3 ~~\$1,500~~ in value, in any implements, professional books, or
4 tools of the trade of the debtor;

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

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

19 (g) The debtor's right to receive:

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

22 (2) a veteran's benefit;

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

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

1 debtor and any dependent of the debtor.

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

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

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

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

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

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

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

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

7 (i) The debtor's right to receive an award under Part
8 20 of Article II of this Code relating to crime victims'
9 awards.

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

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

19 (2) any contributions to such account by the
20 debtor as participant during the 365 day period prior
21 to the date of filing of the debtor's petition for
22 bankruptcy that, in the aggregate during such period,
23 exceed the amount of the annual gift tax exclusion
24 under Section 2503(b) of the Internal Revenue Code of
25 1986, as amended, in effect at the time of
26 contribution; or

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

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

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

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

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

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

10 (735 ILCS 5/12-1001.1 new)

11 Sec. 12-1001.1. Automatic exemption.

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

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

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

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

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

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

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

8 (735 ILCS 5/13-218) (from Ch. 110, par. 13-218)

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

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

18 Section 99. Effective date. This Act takes effect January
19 1, 2026.

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