

Getting Started

Citation to Discover Assets to Debtor's Employer

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to do a *Citation to Discover Assets to Debtor's Employer* in order to find out about the debtor's income. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *How to do a Citation to Discover Assets to Debtor's Employer* instruction sheet and the instructions on the form.

Name of form:	<i>Citation to Discover Assets to Debtor's Employer</i>
Purpose of the form:	To find out how much the debtor's employer pays the debtor. This information could be used to help get the judgment paid.
Types of cases the form CAN be used for:	When you have a judgment for money and are trying to get information about the debtor's wages from their employer.
Types of cases the form CANNOT be used for:	When you do not have a judgment for money or the judgment is for unpaid child support or maintenance. This form should not be used on other parties who are not employers. There is a separate form to find out about the debtor's other income and property. You cannot use this form if the employer is not in Illinois.
Cost to file the form:	There is a fee for filing. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the <i>Application for Waiver of Court Fees</i> found at: http://www.illinoiscourts.gov/Forms/approved/
Special information or papers needed to complete the form:	<ul style="list-style-type: none">• Your case number;• Name of the debtor;• Address for the debtor;• Name of the debtor's employer;• Address for the debtor's employer;• Courtroom number;• Date of judgment or the date it was renewed;• Amount of judgment; AND• Amount that remains unpaid.
Statutes covering the form:	735 Illinois Compiled Statutes, section 5/2-1402
Where to find the form and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How to do a Citation to Discover Assets to Debtor's Employer</i> instruction sheet that comes with this form. You may also find more information, resources, and the location of your local county self help center at: https://www.illinoislegalaid.org/legal-information/what-citation-discover-assets .

HOW TO DO A CITATION TO DISCOVER ASSETS TO DEBTOR'S EMPLOYER ("WAGE DEDUCTION/GARNISHMENT")

What is a *Citation to Discover Assets to Debtor's Employer*?

A *Citation to Discover Assets to Debtor's Employer* is commonly known as a wage deduction or garnishment. It is a court document that tells the employer to answer questions about the debtor's wages.

Who can file a *Citation to Discover Assets to Debtor's Employer*?

Anyone who has won a judgment for money against another person can file a *Citation to Discover Assets to Debtor's Employer* to try to collect the money.

- The person who won the judgment is called the "creditor."
- The person who owes the money is called the "debtor."
- The debtor's employer is called the "respondent."

Using the *Citation*, the creditor can try to get those wages to pay the judgment, if they are not protected by law.

What if my judgment is over 7 years old?

- If your judgment is over 7 years old, you will need to renew ("revive") your judgment before you can do a *Citation to Discover Assets to Debtor Employer*. To start the process, file and serve a Petition for Revival.
- You can renew ("revive") a judgment only up to the 20th year from the date of your judgment.
- If your judgment is over 27 years old, you cannot enforce your judgment.

Who do I serve the *Citation* on?

- You must use the employer's correct legal name. Using a name like "Joe's Auto Repair" or "McDonalds" is not legally sufficient and may lead to problems if the employer does not file an answer.
- If the employer is a person, you serve that person.
- If the employer is a company, you serve an officer or registered agent.
 - You can use the Secretary of State's website to find the officer or registered agent: <http://www.ilsos.gov/corporatellc/>
- **NOTE:** you cannot use this form if the employer is not doing business in Illinois.

What form do I need for the *Citation to Discover Assets to Debtor's Employer*?

- ***Citation to Discover Assets to Debtor's Employer*:** This form tells the employer to answer questions about the debtor's wages.
- ***Letter to the Sheriff (optional)*:** is a letter that tells the sheriff the addresses of the employers to serve.

Where can I find the form I need?

You can find the form at:

<http://www.illinoiscourts.gov/Forms/approved/>.

Does it cost to file a *Citation to Discover Assets to Debtor's Employer*?

- Yes, there is a fee for filing a *Citation to Discover Assets to Debtor's Employer* with the Circuit Clerk.
- There will also be a fee for the sheriff or private process server.
- If you cannot afford to pay the cost, you can ask the court to file for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

Fill out the *Citation to Discover Assets to Debtor's Employer* following the instructions on the form.

You will need the address where the employer can be served and the address where you will send the debtor notice. See **Steps 2** and **3**.

What do I do after I fill out the *Citation to Discover Assets to Debtor's Employer*?

Step 1: File your forms with the Circuit Clerk in the county where the court case is filed.

- Ask the Circuit Clerk for a court date, time, and courtroom number for your *Citation to Discover Assets to Debtor's Employer*. The employer is required to respond by this time.
- Write the courthouse address, court date, time, and courtroom number on the *Citation to Discover Assets to Debtor's Employer*.
- Ask the Circuit Clerk how much it will cost to file your form, and what types of payment (cash, check, credit, online) they take.
- You must electronically file (e-file) court documents unless you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking English.
 - Fill out a *Certification for Exemption from E-Filing* found here: www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your *Citation* form, and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.

- Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free while others charge a processing fee.
- For instructions on how to e-file for free with Odyssey eFileLL, see the self-help user guides here: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer, or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Serve the employer a copy of your form.

- The *Citation to Discover Assets to Debtor's Employer* must be served on the employer. The judge will have no power to order the employer to do anything if the *Citation to Discover Assets to Debtor's Employer* is not served.
- You can use the sheriff, a private process server, or Certified Mail to serve the employer with the *Citation*. You cannot give the *Citation* to the employer yourself.
- The sheriff or the private process server will require the original *Citation* and 2 file-stamped copies.
- If by sheriff
 - Contact the sheriff's office in the county where the employer is located for more information about how to serve the *Citation* on the employer.
 - If the sheriff wants it in person:
 - Bring the file-stamped copies of your *Citation* to the sheriff's office.
 - Pay the sheriff's fees for the debtor OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
 - If the sheriff wants you to mail it to the sheriff's office:
 - Mail copies of your *Citation* to the sheriff's office.
 - Include the *Letter to the Sheriff* found at: <http://www.illinoiscourts.gov/Forms/approved/>
 - Pay the sheriff's fees for each party OR mail the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
- If by private process server
 - You may also have the forms served by a private process server. A private process server is anyone 18 or older and not a party to the lawsuit. Private process servers do not accept fee waivers.

- If by Certified Mail
 - The *Citation* may also be served by Certified Mail, restricted delivery, return receipt requested.
- **NOTE:** If you e-filed your *Citation* and you want to use the sheriff to serve the *Citation*, contact your sheriff's office to ask if the sheriff will file the Return/Affidavit of Service or if you will have to e-file it. If you use a private process server, you or the process server will have to file the Return/Affidavit of Service when you receive it back.

Step 3: Mail a copy of the *Citation to Discover Assets to Debtor's Employer* to the debtor.

- The person serving the *Citation* must send a copy of the *Citation* to the debtor by regular first-class mail within three days after the service on the employer. If you use certified mail, you may mail it to the debtor at the same time.

Step 4: If you served by sheriff or private process server and you have not received the *Answer* from the employer, contact the sheriff or private process server to confirm they served your forms on the employer.

- Before court, you should check on whether the employer was served. This is called the Return/Affidavit of Service. You may be able to check this online. Find your local Circuit Clerk's website at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
- If the employer was served, make sure the Return/Affidavit of Service is filed with the Circuit Clerk. The judge has no power to do anything if the *Citation* is not served.
- If you sent the *Citation* by certified mail, you must have the green receipt card to prove that the employer was served. Attach the green card to the original *Citation* and bring it to court. The clerk will put it into the court file.
- If the Return/Affidavit of Service says "no service," this means that the sheriff's deputy tried to find the employer, but could not serve them. If this happens, you must start over. The fee is less on the second attempt.
- **NOTE:** You should review the Return/Affidavit of Service. If it says the employer moved, or is not located at the address you wrote down, you should find a new address for the employer before starting again.

Step 5: Go to your court date.

- Your court date, time and room number are listed on your *Citation*.
- Bring these items with you to court:
 - A copy of the *Citation to Discover Assets to Debtor's Employer*;
 - A copy of the written judgment (if you have one);

- Any receipts you have of your court costs, including any costs for the sheriff or private process server;
 - The Return/Affidavit of Service showing that the *Citation to Discover Assets to Debtor's Employer* was served on the employer; AND
 - Any *Answer* you have received from the employer.
- Get to the courthouse at least 30 minutes early.
 - Go to the courtroom number listed on your court form.
 - Check in with the courtroom staff and wait for your name and case number to be called.
 - **If the employer was served, but does not show up for the hearing or file an *Answer*:**
 - The judge may enter a conditional judgment against the employer for failure to answer. A conditional judgment requires the employer to file an answer on or before the next court date. The creditor must issue a Summons after Conditional Judgment and serve it on the employer by sheriff or private process server. If the employer does not answer, the court may enter a final judgment against the bank for the balance due.
 - The judge may issue a Rule to Show Cause requiring the employer to appear and explain why they did not answer. If the employer fails to file an answer or appear for the Rule, the court may find them in contempt and may order their arrest.
 - **If the employer files an *Answer*:**
 - If the employer's *Answer* says that they do not employ the debtor then the *Citation to Discover Assets to Debtor's Employer* will be dismissed.
 - If the employer's *Answer* says that it employs the debtor, you can ask the judge for a Wage Deduction Order.
 - There are limits on wage garnishments. The debtor must be allowed to take home a certain amount each pay period. If the debtor's wages are above that amount, the garnishment cannot be more than 15% of the debtor's wages. It is also possible that there are other garnishments that must be paid before yours. If the employer answers the *Citation* in writing, you will see how much can be garnished at that time.

Step 7: Certify balance owed to employer.

- If the court enters a Wage Deduction Order, you must mail the employer a Certification of Judgment Balance every 3 months. This is simply a letter showing the employer the balance due after calculating additional judgment interest and deducting payments.

Step 6: After court, send a copy of any order entered to the employer's representative.

- If there are funds to be turned over, make sure you have your current address on the order.
- Send a copy of the court's order with the clerk's filing stamp on it to the employer at the address shown on their answer. If the court directs the money to be turned over to you, you should send the employer a letter telling them where to send the money and include the order.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	CITATION TO DISCOVER ASSETS TO DEBTOR'S EMPLOYER	For Court Use Only
Instructions ▼		
Directly above, enter the name of the county where the case was filed.		
Enter the name of the plaintiff.		
Enter the name of the defendant.		
Enter the name and address of the employer.		
Enter the case number.	_____ Case Number	
_____ Plaintiff (<i>First, middle, last name</i>)		
v.		
_____ Defendant (<i>First, middle, last name</i>)		
_____ Respondent (<i>Employer's Business Name</i>)		
_____ Street		
_____ City State ZIP		

In 1, if the debtor is a person, enter the name and address for the debtor. If the debtor is a business, enter the name and address of the registered agent. The registered agent can be found on the Illinois Secretary of State's website.

1. This citation and notice are being sent to you and the debtor because the creditor believes the debtor listed below is employed by you or works for you under some other contractual relationship:

Debtor's name

Street, Apt #

City State ZIP

In 2, enter the courtroom number, date and time of the court date, and address of the courthouse.

2. You must fill out the attached Answer to Citation Proceeding form and file it or come to courtroom _____ on:

Number

_____ at _____ a.m. p.m.

Date Time

The address of the court is: _____

Street

City State ZIP

Notice to Debtor

- You can come to court on the court date listed in section 2. You may be able to claim certain protections (exemptions) at that court date. See *How to File an Emergency Motion to Claim Exemption* for information on how to file this *Motion*.
- If you need to be heard earlier than the court date listed in section 3, you can file an *Emergency Motion to Claim Exemption*.
- You do not have to come to court, but if you do not come to court, and you work for the employer, the court may garnish your paycheck.

Notice to Employer

- If you do not answer or come to the court date listed in section 2, the judge may do one of two things:
 - Issue a rule to show cause; OR
 - Enter a conditional judgment.
- If there is a rule to show cause court date, you will have to explain why you did not come to court on the court date and why you should not be found in contempt of court. If you do not come to the rule to show cause on the set court date, the judge may find you in contempt, and you might be arrested and jailed.
- If the court enters a conditional judgment, you will have 30 days to answer or appear. If you fail to do so, then the court may enter a final judgment against you.

3. The employer’s duties and obligations:

- a. Fill out and return the *Answer* on page 4 on or before the court date listed on page 1. The *Answer* asks basic questions about the debtor and their income.
- b. The first question in the *Answer* is whether the debtor is employed by you or works for you under some other contractual relationship.
 - i. If they do not, then check the “No” box, and send the form back.
 - ii. If the debtor does work for you, answer the rest of the *Answer* about pay periods, hourly wage, gross pay, and required deductions from gross pay. The *Answer* explains how to calculate the amount you need to withhold for the garnishment/turnover order.
 - iii. If a positive amount is listed on section 4M on the *Answer*, withhold that amount until there is a court order to turn over the wages or the *Citation* is dismissed.
 - iv. If income varies, withholding must be recalculated for every pay period.
- c. Sign the form, file the original with the Circuit Clerk who issued the *Citation*, and keep a copy for yourself. Give or send a copy of the completed *Answer* to the debtor and to the creditor.
- d. Do not withhold any wages from the debtor if the debtor’s income after taxes is equal to or less than 45 times (x) the federal or Illinois minimum wage, whichever is greater. ***Illinois minimum wage will increase between January 1, 2020 and January 1, 2025. See the Exempt Wages Table on the last page of this form to determine what wages are exempt based on the current minimum wage.*** If the debtor’s wages after taxes are more than this exemption, then you should withhold either (1) 15% of the debtor’s gross income or (2) the debtor’s income after taxes minus the exemption, whichever is less. See how to calculate the amount in the *Answer*.

Do not turn over any funds until you receive a wage deduction/turnover order.

4. Certification by the creditor:

- a. A judgment was entered or renewed against _____ ,
Name
 the debtor, on _____ .
Date
- b. The amount of the judgment is \$ _____ .
- c. The current amount that remains to be paid, including the creditor’s court costs and post-judgment interest, minus any payment made by the debtor or on behalf of the debtor after the judgment was entered, is \$ _____ plus costs of this proceeding.

In 4a, enter the name of the debtor and the date of the judgment. If the judgment has been renewed (“revived”), enter that date.

In 4b, enter the amount of the judgment.

In 4c, enter how much is still owed to you. You are entitled to the judgment amount, court costs (like filing fees, service fees, sheriff’s fee, etc.), and post-judgment. Subtract any payments made by the debtor.

Enter the Case Number given by the Circuit Clerk: _____

You must mail this Citation by first-class regular mail to the debtor.

I certify I will mail by regular first-class mail a copy of the *Citation* to the debtor at the address shown above within 3 business days after service on the employer's Registered agent.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Citation to Discover Assets to Debtor's Employer* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ _____
Your Signature

Street Address

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Print Your Name

City, State, ZIP

Telephone

STOP!

The Circuit Clerk will fill in this section.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ANSWER TO CITATION PROCEEDING (TO BE FILLED OUT BY EMPLOYER)	<i>For Court Use Only</i> _____ Case Number
Instructions ▼ To creditor: Fill out this section in the same way you did on page 1. Do not complete the rest of the form. To employer: fill out page 4 and sign below.	_____ Plaintiff (<i>First, middle, last name</i>) v. _____ Defendant (<i>First, middle, last name</i>) _____ Respondent (<i>Employer's Business Name</i>)	

In 1, check the box that applies. If your answer is "No," enter the last date of employment and go to the Certification Section. If your answer is "Yes," complete the rest of the form.

In 2, check any boxes that apply.

NOTE: If income varies, withholding must be recalculated for every pay period.

In 3, check how often you pay the debtor.

In 4, enter the amounts for the most recent paycheck.

NOTE: If a number is negative, enclose in parentheses like this: (\$50.00).

In 4I, if the number is zero or a negative number, do not withhold any wages. If it is a positive number, continue the calculation.

The amount to be withheld is in 4M.

1. Do you pay any money to the debtor listed in section 1 on the *Citation*? Yes No

 If the debtor is no longer working for you, enter the last date employed: _____
Date
 2. Of the money paid to the debtor, is any of that money (*check all that apply*):
 - a. Subject to prior court ordered deduction (including child/spouse support)
 Case Number _____ State _____ County _____
 - b. Disability Retirement Otherwise exempt (*specify*): _____
- CALCULATION TO DETERMINE AMOUNT OF WITHHOLDING**
(If income varies, withholding must be recalculated for every pay period.)
3. Do you pay debtor: Every week Every two weeks Semi-monthly
 Monthly Other: _____
4.

A. Gross wages per paycheck	A. _____
B. Mandatory contributions to pensions or retirement plan	B. _____
C. Subtract (B) from (A)	C. _____
D. Multiply (C) by 0.15	D. _____
E. Total of FICA, State Tax, Federal Tax, and Medicare	E. _____
F. Subtract (E) from (C)	F. _____
G. Enter amount of exempt wages per pay period. See the Exempt Wages Table on the next page. If the pay period is not in this table, multiply the number of weeks in the pay period by the weekly exempt wages amount.	G. _____
H. Subtract (G) from (F)	H. _____
I. The <i>lesser</i> of (D) or (H)	I. _____
J. Child Support or other Court Ordered Deduction	J. _____
K. Subtract (J) from (I)	K. _____
L. Multiply (K) by 0.02 (statutory fees to the employer)	L. _____
M. Subtract (L) from (K) for amount to be withheld	M. _____

EXEMPT WAGES TABLE				
Timeframe:	If Paid Weekly	If Paid Every 2 Weeks	If Paid Semi-Monthly	If Paid Monthly
January 1, 2020 - June 30, 2020 <i>(Minimum Wage \$9.25/hr)</i>	\$416.25	\$832.50	\$901.88	\$1,803.75
July 1, 2020 – December 31, 2020 <i>(Minimum Wage \$10/hr)</i>	\$450	\$900	\$975	\$1,950
January 1, 2021 -December 31, 2021 <i>(Minimum Wage \$11/hr)</i>	\$495	\$990	\$1,072.50	\$2,145
January 1, 2022 -December 31, 2022 <i>(Minimum Wage \$12/hr)</i>	\$540	\$1,080	\$1,170	\$2,340
January 1, 2023 -December 31, 2023 <i>(Minimum Wage \$13/hr)</i>	\$585	\$1,170	\$1,267.50	\$2,535
January 1, 2024 -December 31, 2024 <i>(Minimum Wage \$14/hr)</i>	\$630	\$1,260	\$1,365	\$2,730
January 1, 2025 <i>(Minimum Wage \$15/hr)</i>	\$675	\$1,350	\$1,462.50	\$2,925

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

File this *Answer* with the Circuit Clerk and send a copy to the Plaintiff/Plaintiff's attorney and the debtor.

I certify that everything in the *Answer to Citation Proceeding* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone