



This is for information and instruction. Do not file it.

# HOW TO DO A CITATION TO DISCOVER ASSETS TO DEBTOR

## FILL OUT AND FILE YOUR FORM.

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A *Citation to Discover Assets to Debtor* is a court document requiring the debtor to come to court and answer questions about their property and income. Then, you can try to get that property or income to pay the judgment, if it is not protected by the law.

Anyone who has won a judgment for money can fill out and file a *Citation to Discover Assets to Debtor* to try to collect the money.

After you fill out the form, file it with the Circuit Clerk's office in the county where your case took place.

### Use this form:

- *Citation to Discover Assets to Debtor*

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## SEND A COPY OF YOUR FORM TO THE DEBTOR.

After you file your form, you must notify the debtor by having the form delivered to them. This is called "serving" the debtor. You can serve the form by using the sheriff's office, a process server, or by certified or registered mail, return receipt required.

If you are using the sheriff's office or a process server, give the form to them.

### Use these forms:

- *Letter to the Sheriff (optional)*

OR

- *Letter to the Process Server (optional)*

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## PREPARE AND GO TO YOUR COURT DATE.

Your court date may be in person, by phone, or by video.

Make notes for yourself about what you want to say to the judge. Bring any additional documents needed.

Laws covering these forms: [735 ILCS 5/2-1402](#), Illinois Supreme Court Rule [277](#)



This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.



# STEP 1

## FILL OUT AND FILE YOUR FORM.

# ARE THESE FORMS FOR ME?

A *Citation to Discover Assets to Debtor* can be used to find out information about the debtor's income and property to learn if the debtor can pay the judgment.

You may **use this form when:**

- You have a judgment for money and are trying to get information about the debtor's income and property to learn if the debtor can pay the judgment.

Do **not** use this form when:

- You do not have a judgment for money or the judgment is for unpaid child support or maintenance.

**Form required:**

- *Citation to Discover Assets to Debtor*: this form tells the debtor to come to court to answer questions about their property and income.

**Optional forms:**

- *Letter to Sheriff*: a letter that tells the sheriff the address of the debtor to serve.
- *Letter to the Process Server*: a letter that tells the process server the address of the debtor to serve.

You can find all of the statewide forms online at [ilcourts.info/forms](http://ilcourts.info/forms).

# IMPORTANT INFORMATION

**What is a *Citation to Discover Assets to Debtor*?**

- A *Citation to Discover Assets to Debtor* is a court document requiring the debtor to come to court and answer questions about their property and income. Then, the judgment creditor can try to get that property or income to pay the judgment, if it is not protected by law.
  - The person who won the judgment is called the "creditor."
  - The other person is called the "debtor."

**Who can file a *Citation to Discover Assets to Debtor*?**

- Anyone who has won a money judgment can file a *Citation to Discover Assets to Debtor* to try to collect the money.

**What if my judgment is over 7 years old?**

- If your judgment is over 7 years old, consult with an attorney or legal aid provider.
- For more information about renewing (reviving) judgments, read here: [ilao.info/debt-judgment-coll-faq](http://ilao.info/debt-judgment-coll-faq).

**How do I calculate judgment interest?**

- For more information about calculating judgment interest, read here: [ilao.info/prot-prop-from-debt-coll](http://ilao.info/prot-prop-from-debt-coll).



## COSTS AND FEES

There may be costs and fees to take part in a court case. This might include fees for filing court documents. Some case types have no fee for filing. Depending on the type of court case, there may be other costs and fees charged – for example, sheriff's fees for serving documents on the other people in the case. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

This is a separate form you can find at [ilcourts.info/fee-waiver-forms](https://ilcourts.info/fee-waiver-forms).

## EXTRA HELP WITH THE FORMS

### Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit [ilao.info/citation-assets-easy-form](https://ilao.info/citation-assets-easy-form) or scan the QR code to use the Easy Form.



For more information about going to court, including how to fill out and file forms, **call or text Illinois Court Help** at 833-411-1121 or go to [ilcourthelp.gov](https://ilcourthelp.gov).

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at [ilao.info/glossary](https://ilao.info/glossary). You may also find more information, resources, and the location of your local legal self-help center at [ilao.info/lshc-directory](https://ilao.info/lshc-directory).



# HOW TO FILE THE FORMS



## E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called “e-filing.” You do not have to e-file if:
  - You qualify for an exemption (see the Not E-filing section below) or
  - Your case involves a criminal matter or is filed under the Juvenile Court Act of 1987.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- Original wills may not be e-filed.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk’s office. These places offer public computers where you can e-file your forms.
  - Your courthouse may offer public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



## Not E-filing

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have internet or computer access in your home or can’t meaningfully use it.
  - Do not have an email account.
  - Do not have a credit card, debit card, or bank account.
  - Have trouble reading, writing, or speaking English.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
  - Are filing an emergency case as allowed by local rule or order.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/exempt](http://ilcourts.info/exempt). If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk’s office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk’s office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk’s office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- If you mail your court forms to the Circuit Clerk’s office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send you copies back to you in the envelope.



# WHAT'S NEXT



## STEP 2

### SEND A COPY OF YOUR FORM TO THE OTHER PARTY.

#### Who do I serve the *Citation* on?

- If the debtor is a person, you serve that person.
- If the debtor is a company, you serve that company's representative.
  - You can use the Secretary of State's website to find a company's representative at [ilsos.gov/corporatellc](https://ilsos.gov/corporatellc).

#### Serve the Debtor a Copy of Your Form

- The *Citation to Discover Assets to Debtor* must be served on the debtor. The judge has no power to order the debtor to do anything if the *Citation to Discover Assets to Debtor* is not served.
- You can use the sheriff or a process server to serve the debtor with the *Citation*. You cannot give the *Citation* to the debtor yourself.
- The sheriff or a process server can serve the debtor in the following ways:
  - By Personal Service: this is when the *Citation* is given to the debtor personally. This can be done anywhere the debtor can be found.
  - By Substitute Service: this is when the *Citation* is given to someone who lives with the debtor or a family member. The person who is served must be 13 years old or older. This must be done where the debtor lives.
- If you use the sheriff to serve the debtor:
  - You can ask the sheriff to serve the debtor by taking or mailing your form to the sheriff's office.
  - Take it to the sheriff in person
    - Bring the file-stamped copies of your *Citation* to the sheriff's office.
    - Pay the sheriff's fees OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one).
    - Mail it to the sheriff.
    - Mail copies of your *Citation* to the sheriff's office.
    - Include the *Letter to the Sheriff* found at [ilcourts.info/forms](https://ilcourts.info/forms).
    - Include a self-addressed and stamped envelope for the sheriff to mail the Return/Affidavit of Service to you.
    - 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).
- If you use a private process server to serve the debtor:
  - You may also have the forms served by a private process server. Private process servers do not accept fee waivers.
- If the debtor does **not** live in the same county or state where the case was filed:
  - Call the sheriff in that county or state to find out:
    - The address where you should bring or mail your *Citation*;
    - The number of copies of your *Citation* to bring or send; AND

- The sheriff's fees for service and if they will honor your *Order for Waiver of Court Fees* (if you have one).

### Confirm the Sheriff Served Your Form on the Debtor.

- Before you go to court, check on whether the debtor was served. This is called the Proof of Service. You may be able to check this online. Find your local Circuit Clerk's website at [ilcourts.info/clerks](http://ilcourts.info/clerks).
- If the debtor was served, make sure the Proof of Service is filed with the Circuit Clerk. The judge has no power to do anything if the *Citation* is not served.
- If the Proof of Service says "no service," this means that the sheriff's deputy tried to find the debtor but could not serve the debtor. If this happens, you must start over. The fee is less on the second attempt.
  - The second attempt is called an "alias" citation.
- **NOTE:** You should review the Proof of Service. If it says the debtor moved or does not live at the address you wrote down, you should find a new address for the debtor before seeking an "alias" citation.



## STEP 3

### PREPARE AND GO TO YOUR COURT DATE.



#### Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information.

To find the phone number for your Circuit Clerk, visit [ilcourts.info/clerks](http://ilcourts.info/clerks).

### Get Ready For Your Court Date

- Decide and write down:
  - The questions you want to ask the debtor about their property and income. You can refer to the *Income and Property Statement* attached to the *Citation* to give you ideas of what kind of questions to ask.
  - Any information you have regarding the debtor's income and assets.

### Attend Your Court Date

**Your court date could be in person, by phone, or by video.**

- If your court date is in person:
  - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
  - Go to the courtroom number listed on your court form.
  - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk's office.
  - Check in with the courtroom staff and wait for your name and case number to be called.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.

- Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
- Follow these tips to attend court by phone or video: [ilcourts.info/remote-resources](http://ilcourts.info/remote-resources).
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.
- Have these items with you on your court date:
  - A copy of the *Citation to Discover Assets to Debtor*;
  - Any receipts you have of your court costs including any costs for the sheriff; AND
  - The filed Return/Affidavit of Service showing that the *Citation to Discover Assets to Debtor* was served on the debtor (if it is not already in the court file).
- Check with the Circuit Clerk for any other local requirements.

#### **If the Debtor was Served but Does Not Show Up for the Court Date:**

- The judge may issue a *Rule to Show Cause* requiring the debtor to come to court and explain why the debtor failed to appear. A *Rule to Show Cause* is a court order requiring the debtor to appear in court at a set date and time. You must have the *Rule* served by the sheriff or private process server. You must also appear in court on the new date and time.
- If the debtor fails to appear for the *Rule to Show Cause* hearing, the judge may find them in contempt and issue a warrant for their arrest.

#### **If the Debtor Shows Up for the Court Hearing:**

- When the case is called, the clerk or the judge will have the debtor swear to tell the truth when answering your questions.
- You will ask the debtor questions outside the presence of the judge. There is an *Income and Property Statement* form attached to the *Citation* that you can use to ask questions. The debtor may file that form before the court date or may bring it with them to court. You can also ask other questions besides the questions on the form. However, the form is a good place to start.
- Please note that the debtor has certain exemptions that protect their income and property. The judge will not force the debtor to make payments of exempt funds. See paragraphs six and seven of the *Citation to Discover Assets to Debtor*.
- When you have finished asking questions, you may want to ask the debtor if they will agree to a payment plan. If you reach an agreement, let the judge know when the case is called again. If the judge approves the agreement, it will become a Court Ordered Payment Plan.
- If there is no agreement, tell the judge what you found out about the debtor's income and assets and ask the judge to order the debtor to give you the debtor's income and property if it is not exempt. The judge can also order the debtor to make payments to you from their income.
- If there are any concerns about the discussion you are having with the debtor, you can request that the judge discuss the issue with you and the debtor.

#### **What if someone else owns or controls the property (like a bank or an employer)?**

- If the judge finds that the debtor has property in someone else's possession, the judge may or may not order the debtor to turn over the property directly to you. You must then follow the process to get the money from the person who controls it. For more information about this process, see the *Citation to Discover Assets to Debtor's Employer* or *Citation to Discover Assets to Debtor's Bank* found here: [ilcourts.info/collections-forms](http://ilcourts.info/collections-forms).
- The judge will dismiss the *Citation* if all the debtor's income and property are exempt.
- If you find out later that the debtor has more money, you may be able to file another *Citation*. Before you leave court, ask the judge for permission to do another *Citation to Discover Assets to Debtor*.