

**Proposal 26-06**  
**Offered by the Supreme Court Commission on Access to Justice**

**Proposed Amendments to Supreme Court Rule 277**

**Rule 277. Supplementary Proceeding**

~~(a) When Proceeding May be Commenced and Against Whom; Subsequent Proceeding Against Same Party.~~ A supplementary proceeding authorized by section 2-1402 of the Code of Civil Procedure may be commenced at any time with respect to a judgment which is subject to enforcement. The proceeding may be against the judgment debtor or any third party the judgment creditor believes has property of or is indebted to the judgment debtor. If there has been a prior supplementary proceeding with respect to the same judgment against the party, whether he is the judgment debtor or a third party, no further proceeding shall be commenced against him except by leave of court. The leave may be granted upon *ex parte* motion of the judgment creditor, but only upon a finding of the court, based upon affidavit of the judgment creditor or some other person, having personal knowledge of the facts, (1) that there is reason to believe the party against whom the proceeding is sought to be commenced has property or income the creditor is entitled to reach, or, if a third party, is indebted to the judgment debtor, (2) that the existence of the property, income or indebtedness was not known to the judgment creditor during the pendency of any prior supplementary proceeding, and (3) that the additional supplementary proceeding is sought in good faith to discover assets and not to harass the judgment debtor or third party.

~~(b) How Commenced.~~ The supplementary proceeding shall be commenced by the service of a citation on the party against whom it is brought. The clerk shall issue a citation upon oral request. In cases in which an order of court is prerequisite to the commencement of the proceeding, a copy of the order shall be served with the citation.

~~(c) Citation—Form, Contents, and Service.~~ The citation by which a supplementary proceeding is commenced:

~~(1) shall be captioned in the cause in which the judgment was entered;~~

~~(2) shall state the date the judgment was entered or revived, and the amount thereof remaining unsatisfied;~~

~~(3) shall require the party to whom it is directed, or if directed to a corporation or partnership, a designated officer or partner thereof, to appear for examination at a time (not less than 5 days from the date of service of the citation) and place to be specified therein, stating whether the party shall appear in person or remotely, including by telephone or video conference, concerning the property or income of or indebtedness due the judgment debtor; and~~

~~(4) may require, upon reasonable specification thereof, the production at the examination of any books, documents, or records in his or its possession or control~~

~~which have or may contain information concerning the property or income of the debtor.~~

~~The citation shall be served and returned in the manner provided by rule for service, otherwise than by publication, of a notice of additional relief upon a party in default.~~

~~**(d) When Proceeding May Be Commenced.** A supplementary proceeding against the judgment debtor may be commenced in the court in which the judgment was entered. A supplementary proceeding against a third party must, and against the judgment debtor may, be commenced in a county of this State in which the party against whom it is brought resides, or, if an individual, is employed or transacts business in person, upon the filing of a transcript of the judgment in the court in that county. If the party to be cited neither resides nor is employed nor transacts his business in person in this State, the proceeding may be commenced in any county in the State, upon the filing of a transcript of the judgment in the court in the county in which the proceeding is to be commenced.~~

~~**(e) Hearing.** The examination of the judgment debtor, third party or other witnesses shall be before the court, in person, or remotely, including by telephone or video conference, or, if the court so orders, before an officer authorized to administer oaths designated by the court, unless the judgment creditor elects, by so indicating in the citation or subpoena served or by requesting the court to so order, to conduct all or a part of the hearing by deposition as provided by the rules of this court for discovery depositions. The court at any time may terminate the deposition or order that proceedings be conducted before the court or officer designated by the court, and otherwise control and direct the proceeding to the end that the rights and interests of all parties and persons involved may be protected and harassment avoided. Any interested party may subpoena witnesses and adduce evidence as upon the trial of any civil action in person or remotely, including telephone or video conference. Upon the request of either party or the direction of the court, the officer before whom the proceeding is conducted shall certify to the court any evidence taken or other proceedings had before him.~~

~~**(f) When Proceeding Terminated.** A proceeding under this rule continues until terminated by motion of the judgment creditor, order of the court, or satisfaction of the judgment, but terminates automatically 6 months from the date of (1) the respondent's first personal appearance pursuant to the citation or (2) the respondent's first personal appearance pursuant to subsequent process issued to enforce the citation, whichever is sooner. The court may, however, grant extensions beyond the 6 months, as justice may require. Orders for the payment of money continue in effect notwithstanding the termination of the proceedings until the judgment is satisfied or the court orders otherwise.~~

~~**(g) Concurrent and Consecutive Proceedings.** Supplementary proceedings against the debtor and third parties may be conducted concurrently or consecutively. The termination of one proceeding does not affect other pending proceedings not concluded.~~

~~(h) **Sanctions.** Any person who fails to obey a citation, subpoena, or order or other direction of the court issued pursuant to any provision of this rule may be punished for contempt. Any person who refuses to obey any order to deliver up or convey or assign any personal property or in an appropriate case its proceeds or value or title to lands, or choses in action, or evidences of debt may be committed until he has complied with the order or is discharged by due course of law. The court may also enforce its order against the real and personal property of that person.~~

~~(i) **Costs.** The court may tax as costs a sum for witness', stenographer's, and officer's fees, telephone and video conference service fees, and the fees and outlays of the sheriff, and direct the payment thereof out of any money which may come into the hands of the sheriff or the judgment creditor as a result of the proceeding. If no property applicable to the payment of the judgment is discovered in the course of the proceeding, the court may tax as costs a sum for witness', stenographer's, and officer's fees and telephone and video conference service fees incurred by any person subpoenaed, to be paid to him by the person who subpoenaed him, and unless paid within the time fixed, enforcement may be had in the manner provided by law for the collection of a judgment for the payment of money.~~

#### Committee Comments (Revised September 29, 1978)

~~This is former Rule 24 without change in substance, except for changing 30 days to 28 days in paragraph (f), in accordance with the policy of establishing time periods in multiples of seven. The last sentence has been added to paragraph (f) to make it clear that an order for the payment of money entered in the proceeding is not automatically vacated at the end of the six months' period.~~

~~In 1978, Rule 277 was amended to delete the words "or decree." This change effected no change in substance. See Rule 2(b)(2).~~

### **Supreme Court Rule 277. Citations to Discover Assets**

**(a) Citation to Discover Assets Defined.** A citation to discover assets is a proceeding to enforce a judgment for money authorized by section 2-1402 of the Code of Civil Procedure. It allows a court to:

- (1) supervise the discovery of information that may lead to the identification of income or assets belonging to a judgment debtor;
- (2) supervise the sale of personal and real property; and
- (3) order the turnover of funds to be applied to the balance due on the judgment, including interest and costs.

The citation lien, including its period of effectiveness, shall be as provided for in 735 ILCS 5/2-1402(m).

**(b) When a Proceeding May be Commenced.** A citation to discover assets proceeding may be commenced immediately upon the entry of a judgment for money that is subject to enforcement.

**(c) Who May be a Respondent in a Citation to Discover Assets Proceeding.** A judgment creditor, or its successor in interest or assignee whose interest appears of record, may initiate a citation to discover assets proceeding against a judgment debtor or any other third-party respondent it believes may have in its possession income or assets belonging to the judgment debtor or information that may lead to the discovery of income or assets belonging to the judgment debtor.

**(d) Where Commenced and Conducted.**

(1) A citation to discover assets proceeding may be commenced in the court in which the judgment was entered, or in any other court where the judgment is filed.

(2) Remote appearances by telephone, video, or other electronic means pursuant to Rule 45 are encouraged. If an individual respondent chooses or is required to appear in person and has moved from the county or municipal district in which the action was commenced, the respondent may request that the court transfer the proceeding to the county or municipal district closer to their new residence.

(3) The court may, for good cause shown, transfer the proceeding to another venue. If the proceeding is transferred to another venue, all liens and prohibitions against the transfer of assets shall remain in effect.

**(e) Frequency of Proceedings.** After the conclusion of a citation to discover assets proceeding, subsequent citation proceedings may be commenced:

(1) Against the judgment debtor upon leave of court. Leave of court may be granted upon motion supported by an affidavit of a person having knowledge that: (i) there is reason to believe the judgment debtor has income and/or assets that were not known to the judgment creditor in the prior proceeding and (ii) the subsequent proceeding is not for the purpose of harassing the judgment debtor and is sought in good faith to enforce the judgment. For an ex-parte motion without notice to the judgment debtor, the affidavit must also establish that the judgment creditor has a good faith belief that the judgment debtor may secret the income and/or assets if notice is provided.

(2) Against the same third-party respondent at any time, provided the subsequent proceeding is not for the purpose of harassing the third-party respondent or judgment debtor and is filed in good faith to enforce the judgment.

**(f) Concurrent and Consecutive Proceedings.** Citation to discover assets proceedings may be conducted concurrently and/or consecutively, and in addition to garnishment and wage deduction proceedings. The termination of one citation to discover assets proceeding does not affect any other pending citation or enforcement proceedings.

**(g) How Commenced.** The citation to discover assets proceeding shall be commenced by the service of a citation to discover assets against the judgment debtor or a third party. The Clerk of Court shall issue citations and alias citations upon request of the judgment creditor. Leave of court is not required except as set forth in paragraph (e).

**(h) Citation Form, Content, and Service.** The citation to discover assets:

(1) shall be captioned in the cause in which the judgment was entered;

(2) shall state the date the judgment was entered or revived, the amount that remains unsatisfied, and such further information as required by 735 ILCS 5/2-1402;

(3) shall require the party to whom it is directed, or if directed to a corporation or partnership to an officer or partner designated by the judgment creditor, to appear for examination at a time and place specified therein, concerning the income or assets of the judgment debtor or information that may lead to the same. Examination shall be held no earlier than five (5) days from the date of service of the citation and shall be held before the court unless another place is specified. Upon motion, the court shall resolve any dispute concerning the location of the examination;

(4) may require, upon reasonable specification thereof, the production at the examination of any books, documents, or records in the respondent's possession or control which have or may contain information concerning the income or assets of the judgment debtor; and

(5) may provide written interrogatories to be answered in lieu of the respondent's appearance. In such cases, a written answer to the interrogatories filed with the clerk of court or submitted to the judgment creditor shall confirm the court's jurisdiction over the respondent. Written answers shall be served electronically consistent with Rule 11, or by permitted alternative methods where electronic service is not required by Rule 11, within three (3) days of service of the citation upon the respondent. During the pendency of the citation, respondent shall file and serve an amended answer within three (3) days of the respondent's receipt of additional property belonging to the judgment debtor.

(6) shall be served and returned in the manner provided by Supreme Court Rules 105 and 106.

**(i) Citation Hearings.**

(1) Examination of the judgment debtor, third-party respondent, or other witnesses may be (i) by informal discussions under oath, (ii) before the court, or (iii) before an officer authorized to administer oaths as provided by the rules of this court for discovery depositions. Upon the request of either party or the direction of the court, the officer before whom the proceeding is conducted shall certify to the court any evidence taken or other proceedings had before the officer.

(2) Any interested party may subpoena witnesses and/or documents and present evidence in the same manner as he or she would in the trial of a civil action.

(3) At any time, the court may terminate the citation examination, order that proceedings be conducted before the court or an officer designated by the court, or otherwise control and direct the proceeding to protect the rights and interests of all parties and persons involved and avoid harassment.

(4) Remote appearances pursuant to Rule 45 are permitted and encouraged.

**(j) Exemption Claims.** Claims to exempt income or assets from enforcement of judgment shall be governed by Rule 278.

**(k) Stay of Proceedings.** If the enforcement of the judgment is stayed by a timely post-judgment motion and a citation was served upon the respondent prior to the filing of the motion, the citation shall not be dismissed and any lien created shall remain in place. A citation filed prior to but served after the post-trial motion is filed shall not be dismissed, but whether it is effective as a lien and whether the asset shall remain frozen shall be within the discretion of the judge before whom the citation is returnable.

**(l) Termination of Proceeding.** A proceeding under this rule continues until terminated by motion of the judgment creditor or debtor, order of the court, or satisfaction of the judgment, but automatically terminates six (6) months from the date of the respondent's first appearance pursuant to the citation or subsequent process issued to enforce the citation, whichever is later. The court may grant extensions beyond the six (6) months as justice may require. A specific order granting an extension is not required if matters are pending before the court. The citation lien will terminate when the citation to discover assets proceeding terminates. Liens against enumerated property as ordered by the court shall remain in effect, along with orders for the payment of money, the sale of property, and turnover orders, until the judgment is satisfied or the court orders otherwise.

**(m) Sanctions.**

(1) Any person who fails to obey a citation, subpoena, order, or other direction of the court issued pursuant to this rule may be held in contempt.

(2) Any person who refuses to obey any order to deliver, convey, or assign any personal property or, in an appropriate case, its proceeds or value, or title to lands, or choses in action, or evidences of debt may be detained until the person has complied with the order or is discharged by due course of law.

(3) The court may enforce its order by entering a monetary sanction as a judgment against the person or entity disobeying its order, including the assessment of attorney fees for failure to comply with served citations, this rule, or subsequent orders.

**(n) Costs.** In addition to other costs allowed by law, the court may order as costs a sum for witness, stenographer, and officer fees, and the fees and outlays of the sheriff or selling agent, and it may direct payment out of any money which may come into the hands of the sheriff, selling agent, or the judgment creditor as a result of the proceeding. If no property applicable to payment of the judgment is discovered in the course of the proceeding, the court may order

the person who requested the services to pay as costs a sum for witness, stenographer, and officer fees incurred by any person subpoenaed. Unless paid within the time set by the court, judgment may be entered against the person.

#### Comment

In 2026, Rule 277 was rewritten to modernize the rule and conform with applicable statutes, case law, and practice. Specifically, the 2026 amendments:

1. Change the title of the rule from “Supplemental Proceedings” to “Citations to Discover Assets,” which is more specific and accurate.

2. Define “Citation to Discover Assets.”

3. Provide for the sale of both personal and real property to satisfy a judgment.

4. Provide that a citation to discover assets proceeding may be commenced immediately upon entry of a judgment that is subject to enforcement, in the court in which the judgment was entered or in any other court where the judgment is filed, subject to transfer for good cause.

5. Clarify that a citation to discover assets proceeding may be initiated against a judgment debtor or any third party believed to be in possession of income or assets belonging to the judgment debtor or information leading to the discovery of income or assets, and that a subsequent citation to discover assets proceeding may be commenced against a judgment debtor upon leave of court or against the same third-party respondent at any time.

6. Eliminate restrictions on serving third parties outside of the county where judgment was entered.

7. Allow for a written answer to be filed in lieu of an appearance in court, and allow a written answer filed or sent to the judgment creditor to act as an appearance submitting the party to the court's jurisdiction.

8. Clarify the effect of a citation to discover assets as a lien and that a pending citation shall not be dismissed when enforcement of a judgment is stayed by a timely post-judgment motion.

9. Allow the assessment of attorney fees for a respondent's failure to comply with citations, the rule, or orders.

10. Encourage the use of remote proceedings.

## **Proposed New Supreme Court Rule 278**

### **Supreme Court Rule 278. Claims To Exempt Income or Assets From Enforcement of Judgment**

**(a) Applicability of this Rule.** This rule shall apply to all post-judgment proceedings to enforce judgments against a judgment debtor's property, including but not limited to: Citations to Discover Assets, Non-Wage Garnishments, Wage Deductions, and Sheriff Levy Sales.

#### **(b) When an Exemption May be Claimed.**

(1) Return Date. The judgment debtor may claim statutory exemptions to protect income or assets from enforcement of judgment on the return date in a judgment enforcement proceeding against a judgment debtor's property, without the need to file a written motion.

(2) Expedited Motion Prior to Return Date. Prior to the return date, the judgment debtor may file a motion to claim statutory exemptions.

##### (i) The motion shall:

(A) Include the statutory basis for the exemption claimed;

(B) State that it shall be granted unless an objection is filed before the end of the fifth (5th) business day after the day on which the motion is served; and

(C) Be served on the attorney for the judgment creditor, or the judgment creditor if unrepresented, by email, facsimile, or personal delivery.

(ii) Upon satisfactory proof of service, signed under oath, of the notice and motion on the judgment creditor or its attorney and if no objection is filed before the end of the fifth (5th) business day after the day on which the motion is served, the court shall enter an order granting the motion. The Clerk of Court shall send a copy of the order to all parties.

(iii) If either the motion or notice of motion fails to include language that the motion shall be granted unless an objection is filed within five (5) business days, the court shall set the motion for hearing so that it is heard within seven (7) business days after service. If the judgment creditor files an objection to the motion, the court shall promptly set the motion so that it is heard within seven (7) business days after service of the objection. The Clerk of Court shall send notice of hearing to all parties.

(iv) The Supreme Court Commission on Access to Justice shall develop a statewide standardized motion to claim statutory exemptions, notice of motion, proof of service/delivery, objection, and order forms.

#### **(c) Exemption Claims in the Absence of an Answer by a Third-Party Respondent.**

When a judgment debtor seeks to claim an exemption and a third-party respondent has not yet provided a written answer to interrogatories, the court shall allow application of the statutory exemption in the amount allowed by law, or any amount determined by agreement of the parties. The court shall order that all funds in excess of the statutory exemption or

agreed amount remain frozen until further order of the court, and set the matter for status of the third-party respondent's answer.

**(d) Remote Proceedings.** Case participants shall be allowed to appear remotely at a hearing on a motion to claim exemptions and at a status hearing on a third-party answer in accordance with Rule 45 and any Supreme Court policy on remote court appearances.

**(e) Agreed Orders.**

(1) When a proposed agreed order relating to the judgment debtor's exempt property or property held or owned by a third-party is submitted, the judge shall rule on the proposed order expeditiously, but in no event later than two (2) business days after it is submitted.

(2) If the court grants an agreed order, no exemption hearing need be scheduled. The court shall return copies of the order bearing the judge's signature or stamp to all parties upon its entry.

(3) If a proposed agreed order is not granted, the court shall set the matter for hearing to be held within five (5) business days of its submission to the court if one is not already scheduled in this timeframe. The Clerk of Court shall send notice of hearing to all parties.

**(f) Application of Statutory Exemptions and Frequency of Claims.**

(1) A court shall liberally construe all state and federal statutes that income and assets are exempt from enforcement of judgment in favor of the judgment debtor. The judgment debtor's right to claim exemptions is continuous and ongoing and not limited to a single use during the period in which a judgment may be enforced.

(2) The court shall permit the debtor to exempt from enforcement at any given time the "wildcard" amount specified in 735 ILCS 5/12-1001(b) regardless of the number of financial institutions, accounts, and proceedings involved, provided however that the wildcard exemption amount shall be applied collectively and not individually in the case of multiple financial institutions, accounts or proceedings.

**COMMENT**

This new Supreme Court Rule establishes procedures in post-judgment proceedings when a judgment debtor seeks to invoke statutes that exempt income and assets from enforcement of judgment held by a third party. It authorizes expedited determination of an exemption claim, and under certain conditions automates the granting of an exemption claim. It otherwise provides expedited hearings. It explains that a "wildcard" exemption claim under 735 ILCS 5/12-1001(b) is to be liberally construed and may be used more than once by a judgment debtor subject to the restrictions therein.

## Proposed Amendments to Supreme Court Rule 286

### **Rule 286. Appearance and Trial**

**(a) Appearance.** ~~Unless the “Notice to Defendant” (see Rule 101(b)) provides otherwise, the A defendant in a small claim must appear attend court, in-person or remotely as provided for in Rule 45, at the time and place specified in the summons or as otherwise ordered by the court upon proper notice to all parties and the case shall be tried on the day set for appearance unless otherwise ordered. A defendant need not file a written appearance before the first court date, but the court may order the defendant to file a written appearance at or after the first court date.~~

**(b) Answer.** ~~If the defendant appears, he need not file an answer unless ordered to do so by the court; and when no answer is ordered A defendant in a small claim is not required to file an answer to the complaint. and tThe allegations of the complaint wittshall be considered denied and any defense may be proved as if it were specifically pleaded. However, a court in its discretion may order the defendant to file an answer after the first court date in order to promote a fair adjudication of the merits.~~

**(b)(c) Informal Hearings in Small Claims Cases.** ~~In any small claims case, the court may, on its own motion or on motion the request of any party, adjudicate the dispute at an informal hearing. At the informal hearing, the court may relax the rules of procedure and rules of evidence, but it shall not disregard rules related to hearsay and privilege. At the informal hearing all relevant evidence shall be admissible and the court may relax the rules of procedure and the rules of evidence. The court may call any person appearing in person or remotely at the hearing to testify and may conduct or participate in direct and cross-examination of any witness or party. At the conclusion of the hearing, the court shall render judgment and explain the reasons therefor its reasoning to all parties.~~

### Committee Comments

This is paragraph F of former Rule 9-1, effective January 1, 1964, with a caveat that the trial court may by “Notice to Defendant” on the summons mentioned in Rule 101(b) adopt the procedure best suited to local conditions in the handling of small claims. By the notice of the summons, the defendant should be given explicit directions where to appear, whether he must appear ready for trial on the day for appearance, or whether by filing a written appearance or giving appropriate notice to the plaintiff he will be excused from going to trial at that time. If by entry of a written appearance or by personal appearance of the defendant the case is automatically set over for trial on a specified later date, the notice to defendant should so state. These suggestions are only illustrative. See also the Committee Comments to Rule 101(b):

Paragraph (a) was amended effective \_\_\_\_\_ to no longer require small claims to be tried on the day set for appearance, and to better align the rule with actual practice and support procedural fairness. The court retains the option to try the case on the day set for appearance to accommodate self-represented litigants who are present and wish to have their case tried on the appearance date.

Paragraph (b)(c) was added effective August 1, 1987. The rule ~~authorizes~~ authorized the

court on its own motion or on motion of any party to conduct an informal hearing to decide small claims cases where the amount claimed by any party did not exceed \$1,000. This subsection was Aamended in 1992 to delete the condition setting an upper limit on the value of cases in which an informal hearing may be had, and again in \_\_\_\_\_ to clarify informal hearing procedures.