



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

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

## 1

### FILL OUT AND FILE YOUR FORM.

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.

Anyone who has won a judgment for money against another person can fill out and file a *Citation to Discover Assets to Debtor's Employer* 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's Employer*

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

After you file your form, you must notify the employer by having the form delivered to them. This is called "serving" the employer. You cannot serve this form yourself. Give your form to the sheriff or a process server to serve the employer, or mail the form through certified or registered mail, return receipt required.

You must also mail a copy of the form to the debtor by regular first-class mail within 3 days after the employer has been served.

**Use these forms:**

- Letter to the Sheriff (optional)*

OR

- Letter to the Process Server (optional)*

## 3

### 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.

After court is over, send a copy of the court's order to the employer's representative.

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's Employer* can be used to find out how much the debtor's employer pays the debtor. This information could be used to help get the judgment paid.

You may **use this form when:**

- You have a judgment for money and are trying to get information about the debtor's wages from their employer.

Do **not** use this form when:

- You do **not** have a judgment for money or the judgment is for unpaid child support or maintenance.
- The employer is not doing business in Illinois.

**Form required:**

- *Citation to Discover Assets to Debtor's Employer*: this form tells the employer to answer questions about the debtor's wages.

**Optional forms:**

- *Letter to Sheriff*: a letter that tells the sheriff the address of the employer to serve.
- *Letter to the Process Server*: a letter that tells the process server the address of the employer 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'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.
  - The person who won a judgment for money is called the "creditor."
  - The person who owes the money is called the "debtor."
  - The debtor's employer is called the "respondent."

**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.
- Using the *Citation*, the creditor can try to get the debtor's 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, 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](http://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/collect-judgment-easy-form](http://ilao.info/collect-judgment-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](http://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](http://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](http://ilao.info/lshc-directory).



# HOW TO FILE THE FORMS



- 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 eFileLL 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.



- 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 your 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?

- 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: [ilosc.gov/corporatelcc/](http://ilosc.gov/corporatelcc/).
- **NOTE:** you cannot use this form if the employer is not doing business in Illinois.

#### 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, certified mail, or anyone over the age of 18 who is not a party to the lawsuit 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 you use the sheriff to serve the employer:**
  - 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 [ilcourts.info/forms](http://ilcourts.info/forms).
    - 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 you use a private process server to serve the employer:**
  - You may also have the forms served by a private process server. Private process servers do not accept fee waivers.
- **If you use anyone over the age of 18 and not a party to the lawsuit:**
  - The person you use must be able to fill out a Proof of Service and send a copy of the *Citation* to the debtor within 3 business days after service.
  - You must not serve the *Citation* yourself.
- **If you use Certified Mail to serve the employer:**
  - The *Citation* may also be served by Certified Mail, restricted delivery, return receipt requested.

### **Mail a Copy of the Form 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.

**If 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 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 employer was served, make sure the Proof of Service is filed with the Circuit Clerk. You may be responsible for filing this 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 Proof 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.
  - The second attempt is called an "alias" citation.
- **NOTE:** You should review the Proof 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 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).

### **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'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 Proof 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.
- Check with the Circuit Clerk for any other local requirements.

**If the Employer was Served but Does Not Show Up for the Court Date 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, 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.

## After Court

- 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.

## 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.