



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

# HOW TO DO A CITATION TO DISCOVER ASSETS TO DEBTOR'S BANK (BANK GARNISHMENT)

## 1

### FILL OUT AND FILE YOUR FORM.

A *Citation to Discover Assets to Debtor's Bank* is a court document that tells the bank to answer questions about the debtor's property and income.

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

## 2

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

After you file your form, you must notify the bank by having the form delivered to it. This is called "serving" the bank. You cannot serve this form yourself. Give your form to the sheriff or a process server to serve the bank, 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 bank 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, you should send a copy of the court's order to the bank'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 Bank* can be used to find out if the bank has information about the debtor's income or property. 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 income and property from a bank.

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 bank is not doing business in Illinois.

**Form required:**

- *Citation to Discover Assets to Debtor's Bank*: this form tells the bank to answer questions about the debtor's property and income.

**Optional forms:**

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

- A *Citation to Discover Assets to Debtor's Bank* is a court document that tells the bank to answer questions about the debtor's property and income.
  - 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 bank is called the "respondent."

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

- Anyone who has won a judgment for money against another person or business can file a *Citation to Discover Assets to Debtor's Bank* to try to collect the money.
- Using the *Citation*, the creditor can try to get that property or income 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 bank's correct legal name. You may call the bank and ask them their correct legal name. You may even ask where they prefer legal papers to be delivered. If the receptionist does not know, ask for a bank officer. Do not give them the name of your debtor.
- Serve the bank's authorized agent or any officer at any branch. You do not need to know which branch was used by the debtor.
  - You can use the Secretary of State's website to find a bank's authorized agent: [ilsos.gov/corporatellc/](http://ilsos.gov/corporatellc/).
- **Note:** You cannot use this form if the bank is not doing business in Illinois.

#### Serve the Bank a Copy of Your Form.

- The *Citation to Discover Assets to Debtor's Bank* must be served on the bank. The judge will have no power to order the bank to do anything if the *Citation to Discover Assets to Debtor's Bank* 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 bank with the *Citation*.
  - **You cannot give the *Citation* to the bank 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 debtor:**
  - Contact the sheriff's office in the county where the bank is located for more information about how to serve the *Citation* on the bank.
  - 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 **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 debtor:**
  - 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 **3 days after service upon the bank**. If you use certified mail, wait at least 3 days before mailing the copy of the *Citation* to the debtor. If you mail too quickly, you will notify the debtor and they could take their money out of the account. If you wait too long to mail the copy, you will not be following the law.

**If you have not received the *Answer* from the bank, contact the sheriff or private process server to confirm they served your forms on the bank.**

- Before court, you should check on whether the bank 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 bank 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 bank 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 bank's agent, but could not serve the bank. 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 bank has moved or is not located at the address you wrote down, you should find a new address for the bank 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 Bank*;
  - A copy of the written judgment (if you have one);
  - Any receipts you have of your court costs including any costs for the sheriff;
  - The Return/Affidavit of Service showing that the *Citation to Discover Assets to Debtor's Bank* was served on the bank; AND
  - Any answer you have received from the bank.
- Check with the Circuit Clerk for any other local requirements.

**If the Bank was Served but Does Not Answer:**

- The judge may enter a conditional judgment against the bank for failure to answer. A conditional judgment requires the bank 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 bank sheriff or private process server. If the bank 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 bank to appear and explain why they did not answer. If the bank fails to file an answer or appear, the court may find them in contempt and may order their arrest.

**If the Bank Files an Answer:**

- If the bank's answer says that they have no property belonging to the debtor, then the *Citation to Discover Assets to Debtor's Bank* will be dismissed.
- If the bank answers that it has property belonging to the debtor, then you can seek a "turn over" order for this property.
- The debtor has certain exemptions that protect income and assets belonging to the debtor, such as money from social security, disability, or child support.
- Sometimes bank accounts are in the name of the debtor and another person. This will be shown on the bank's answer. The other person, like a spouse or child, may actually own the funds. When this happens, you will need to continue the case and send a notice of hearing to the other party (unless they are already in court).

## After Court

- Send a copy of any order entered to the bank'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 bank at the address shown on their answer. If the court orders the money to be turned over to you, you should send the bank a letter telling them where to send the money and include the order.