

Notice to Employer

- If you do not answer or come to the court date listed in section 3, 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 \$371.25 if paid weekly; \$742.50 if paid bi-weekly; \$804.38 if paid semi-monthly, or \$1,608.75 if paid monthly. If the debtor’s wages after taxes are more than this exemption, then you should withhold the lesser of 15% of the debtor’s gross income or their income after taxes minus the exemption. See how to calculate the amount in the *Answer*.

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

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 interest of 9% per year. Subtract any payments made by the debtor.

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.

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 pay check.

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.

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. If debtor is paid every week, enter \$371.25 If debtor is paid every two weeks, enter \$742.50 If debtor is paid semi-monthly, enter \$804.37 If debtor is paid monthly, enter \$1608.75 If other, multiply the number of weeks in the pay period by \$371.25	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. _____

The amount to be withheld is in **4M**.

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.

Mail or hand-deliver a copy of this completed *Answer* to the Circuit Clerk, plaintiff, and 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](#). I also have either mailed or hand delivered a copy of this completed *Answer* to the Circuit Clerk, plaintiff, and the debtor.

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone