IN THE
SUPREME COURT OF ILLINOIS

In re: Illinois Courts Response to COVID-19 Emergency/ Impact on Post-Judgment Proceedings	)	M.R.30370

Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); and in view of (a) the actions that have been taken by the Governor of the State of Illinois in response to the outbreak of the novel coronavirus (COVID-19), including (i) declaring all counties in the State of Illinois a disaster area, (ii) ordering all individuals currently living in the State to stay at home or their place of residence, and (iii) issuing Executive Order 2020-25 suspending the service of garnishment summonses, wage deduction summonses, and citations to discover assets ("supplemental proceedings") on consumer debtors or consumer garnishees, and (b) the continuance or curtailment of non-essential court matters, including supplemental proceedings, throughout the State in accordance with the order issued by this Court on March 17, 2020,

IT IS HEREBY ORDERED:

1. For the purposes of this Order:

   a. "Covered Supplemental Proceedings" refers to garnishment proceedings under 735 ILCS 5/12-701 *et seq.*, and citation proceedings under 735 ILCS 5/2-1402, arising out of a judgment that is exclusively against natural persons.

   b. "Garnishee" refers to a depository financial institution that has been served with a garnishment summons under 735 ILCS 5/12-705 in a Covered Supplemental Proceeding.

   c. "Citation Respondent" refers to a depository financial institution that has been served with a citation under 735 ILCS 5/2-1402 in a Covered Supplemental Proceeding.

2. With respect to all Covered Supplemental Proceedings in which a summons or citation directed to a depository financial institution was served after March 8, 2020, or had an original return date between March 8, 2020, and the date of termination of the Gubernatorial Disaster Proclamations:

   a. If the Garnishee or Citation Respondent holds personal property of a judgment debtor who is a natural person, other than in a business account, and the value of that property exceeded $4,000 (the amount of the personal property exemption contained in 735 ILCS 5/12-705 and 735 ILCS 5/2-1402(b)(1)) when a garnishment summons was served, or any time after a citation was served, the lien imposed by 735 ILCS 5/12-707 or 735 5/2-1402(m), respectively, shall not apply to $4,000 of the judgment debtor's property held by the Garnishee or Citation Respondent, and the Garnishee or Citation Respondent shall release to the judgment debtor property valued at $4,000 that the Garnishee or Citation Respondent may have frozen, withheld, or seized.

   b. If the Garnishee or Citation Respondent holds personal property of a judgment debtor who is a natural person, other than in a business account, and subparagraph (a) is inapplicable, the Garnishee or Citation Respondent shall release to the judgment debtor any property of the judgment debtor that the Garnishee or Citation Respondent may have frozen, withheld, or seized.

   c. Nothing in subparagraphs (a) or (b) either affects the validity of any orders entered in Covered Supplemental Proceedings after March 8, 2020, or prevents the subsequent modification of vacatur of any such orders.

3. Regardless of the date of service or return date associated with a garnishment summons or citation in a Covered Supplemental Proceeding, a Garnishee or Citation Respondent shall release funds that the Garnishee or Citation Respondent has frozen, withheld, or seized, without the need for a court order, in accordance with direction from counsel for the judgment creditor sent by e-mail, United States mail, third-party commercial carrier, or personal delivery.

4. Paragraph 2 does not affect the obligation of Garnishees or Citation Respondents to file answers to garnishment summons or citations to discover assets. Such answers shall, among other things, disclose the amount of any funds that the Garnishee or Citation Respondent released to the judgment debtor pursuant to Paragraph 2. Garnishees or Citation Respondents that released funds to judgment debtors pursuant to Paragraph 2 after having filed an answer shall file an amended answer disclosing that information.

5. Nothing in Paragraph 2 shall prevent a judgment debtor from establishing that additional exemptions apply to property of the judgment debtor in the possession of a Garnishee or Citation Respondent.

6. In accordance with this Court's March 17, 2020 order providing that essential court matters and proceedings shall continue to be heard by the Illinois Courts, the Chief Judge of each circuit is encouraged to ensure that a means exists for the prompt hearing and disposition of emergency motions in Covered Supplemental Proceedings.

7. This Order does not:

   a. Relieve a judgment debtor of any liability;

   b. Apply to wage deduction proceedings under 735 ILCS 5/12-801 *et seq.*, or to citation proceedings directed at wages pursuant to 735 ILCS 5/2-1402;

   c. Apply to supplemental proceedings arising out of domestic support obligations, including child support and spousal maintenance obligations;

   d. Prevent entry of agreed orders between the parties related to any Covered Supplemental Proceedings; or

   e. Affect the validity of any agreed orders entered prior to the effective date of this Order.

8. This Order shall remain in effect until the suspension of service of summonses and citations in supplemental proceedings, pursuant to Executive Order 2020-25, is no longer in effect.

Order entered by the Court.

SEAL OF THE SUPREME COURT
STATE OF ILLINOIS
AUG. 26, 1818

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 24th day of April, 2020.

Carolyn Taft Grosboll Clerk,
Supreme Court of the State of Illinois