

OUTLINE OF PROCEDURES – POST-JUDGMENT CALL

PAYMENT ORDERS:

- Payment orders should not be submitted unless attorney concludes, in good faith after examination, that the judgment debtor has non-exempt assets available to make payments. Wage deduction orders are preferred.
- Payment orders will not be entered unless the Judge has confirmed the judgment debtor has non-exempt assets available to make the required payment. (Section 2-1402(c-5)).
- **WITH RESPECT TO PREVIOUSLY ENTERED PAYMENT ORDERS, UNLESS THE JUDGEMENT CREDITOR CAN DEMONSTRATE THAT THE PAYMENT AMOUNTS IN THE PRIOR ORDER COULD HAVE BEEN MADE WITH EXEMPT INCOME OR ASSETS, THE PROPER REMEDY IS TO SEEK TO VACATE THE ORDER (NOT TO SEEK A RULE OR CONTEMPT).**
- Different rules may apply to cases arising out of ordinance violations. (Section 2-1402(o).)

STATUS DATES:

- Rolling compliance/status dates will not be granted. New dates will be set only if there is continuing business in relation to completion of the citation process (additional information, documents, etc.). There will be no “status on payment” dates.
- **IF THE JUDGEMENT DEBTOR APPEARS FOR EXAMINATION, HE OR SHE SHOULD AGAIN APPEAR BEFORE THE JUDGE BEFORE A NEW STATUS DATE IS SET.**
- **IF THE JUDGMENT CREDITOR WANTS A NEW STATUS DATE BECAUSE THE CITATION WAS NOT COMPLETED OR THE JUDGMENT DEBTOR HAS FAILED TO FULLY COMPLY WITH THE CITATION, SPECIFIC TERMS FOR FUTURE COMPLIANCE MUST BE SPELLED OUT IN THE ORDER (i.e., IF MISSING DOCUMENTS, LIST EACH DOCUMENT THAT MUST BE PRODUCED BY THE NEXT COURT DATE).**
- **IF A RULE TO SHOW CAUSE IS ENTERED FOR NON-APPEARANCE ONLY, THE RULE MUST BE DISMISSED UPON APPEARANCE.**

DURATION OF CITATIONS

- Citations will be dismissed if the court determines that the debtor possesses no non-exempt income or assets (Section 2-1402(d-5)).
- Citations terminate automatically six months after the respondent’s first personal appearance, with extensions provided only “as justice may require.” (Supreme Court Rule 277(f)).
- Beginning with the date the of the judgment debtor’s first personal appearance, any order continuing the Citation shall delineate the date of the judgment debtor’s first personal appearance and the date upon which the Citation will automatically terminate unless extended by the Court (See, Supreme Court Rule 277(f)).

BOND TURNOVER

- Posted funds to be returned to the debtor, except to the extent the Court finds the funds, or a portion to be non-exempt; in the latter case, only the non-exempt portion may be turned over to the creditor. (Section 2-1402(e)).