

Appendix E: Forms Required for Wage Deductions

The Wage Deduction Notice

THE WAGE DEDUCTION NOTICE

1. The Judgment Creditor (Plaintiff) must write in the case number.
2. The Judgment Creditor must write in the name of all Plaintiffs.
3. The Judgment Creditor must write in the name of the defendant whose wages are to be deducted.
4. The Judgment Creditor must write in the name and address of the employer of the Judgment Debtor whose wages are to be deducted.
5. The Judgment Creditor must write in the name and address of the Judgment Debtor whose wages are to be deducted.
6. The Judgment Creditor's/Creditor's Attorney's full name and address must be written in.
7. The Judgment Creditor must write in the Court date. This should be at least 7 days after the Answer date. Write in the time which should normally be 9:00 A.M., and the courtroom number. If your case is in the Kane County Courthouse, check the box indicating Kane County Courthouse and if your case is in the Kane County Judicial Center, check the box indicating Kane County Judicial Center.
8. The Judgment Creditor must write in the Answer date which is the date by where the employer should file answer to Wage Deduction proceedings with the Circuit Clerk. The Answer date should be at least 7 days before the court date.
9. The Judgment Creditor must write in the date of the judgment.
10. The Judgment Creditor must write in the amount of the judgment. For example: \$1,000.00 plus costs.
11. The Judgment Creditor must sign The Wage Deduction Notice.

NOTE: A COPY OF THIS NOTICE MUST BE HAND DELIVERED OR MAILED VIA FIRST CLASS MAIL TO THE JUDGMENT DEBTOR AT THE LAST KNOWN ADDRESS.

A COPY OF THIS NOTICE MUST ALSO BE ATTACHED TO THE SUMMONS WHICH IS SERVED ON THE EMPLOYER.

A COPY OF THIS NOTICE MUST ALSO BE FILED WITH THE CLERK OF THE CIRCUIT COURT.

THE JUDGMENT CREDITOR SHOULD KEEP A COPY OF THIS NOTICE FOR THE JUDGMENT CREDITOR'S FILE.

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____ **①**

②	③	
Plaintiff(s)	Defendant(s)	
To: Judgment Debtor Employer		
Name: _____ ④		File Stamp
Address:		
City, State & Zip:		

WAGE DEDUCTION NOTICE

Judgment Debtor's: **⑤**

Name:

Address:

City, State, Zip:

Judgment Creditor/Creditor's Atty: **⑥**

Name:

Address:

City, State, Zip:

Atty Registration No.:

Atty E-mail

The Court Date is _____ **⑦** at _____ m. in Room _____ of the Kane County Courthouse, 100 S. Third St. Geneva, IL Kane County Judicial Center, 37W777 Rt. 38, St. Charles, IL.

The Answer Date is _____ **⑧** Judgment Date is _____ **⑨** Total Amount Due _____ **⑩**

(Note: This is the date by which the employer must file answers to the Judgment Creditor's Interrogatories. This is not a scheduled Court appearance. Do Not Appear In Court On This Date.)

The Court will be asked to issue a wage deduction summons against the employer named above for wages due or about to become due to the Judgment Debtor. The wage deduction summons will be issued on the basis of a judgment against the Judgment Debtor in favor of the Judgment Creditor in the amount stated above.

The amount of wages that may be deducted is limited by Federal and Illinois law:

- 1) Under Illinois law, the amount of wages that may be deducted is limited to the lessor of (i) 15% of gross weekly wages or(ii) the amount which disposable earnings for a week exceed the total of 45 times the Federal minimum wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.
- 2) Under Federal law, the amount of wages that may be deducted is limited to the lessor of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the Federal minimum hourly wage.
- 3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.
- 4) You may be entitled to certain exemptions for personal and real property under State or Federal law. These exemptions may protect your property or restrict the rights of the plaintiff to recover your property in this proceeding. It is your obligation to prove you are entitled to any exemption and you may wish to obtain legal advice before appearing in court.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing you the Judgment Debtor must notify the Clerk of the Circuit Court in writing at 540 S. Randall Rd., St. Charles, IL 60174 on or before the return date specified above. The Clerk of the Circuit Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney, and send to the Judgment Creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail.

I certify that before causing the wage deduction summons to issue I personally delivered or sent by First Class Mail to the Judgment Debtor a Wage Deduction Notice at the Judgment Debtor's last known address.

⑪
Signature of Attorney or Judgment Creditor