

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

_____))
Plaintiff - Judgment Creditor,))
)) CASE NO.: _____)
vs.))
))
_____))
Defendant - Judgment Debtor.))
and))
_____))
Employer))

WAGE DEDUCTION SUMMONS

To the Name of Employer : _____

Address/City/State/Zip: _____

YOU ARE SUMMONED and required to file answers to the Plaintiff - Judgment Creditor's Interrogatories, in the office of **MAUREEN A. JOSH**, Clerk of DeKalb County Circuit Court, Sixteenth Judicial Circuit, in the DeKalb County Court House, 133 West State Street, Sycamore, Illinois, on or before _____ at _____ a.m. / p.m. (21 to 40 days after issuance of Summons). However if this Summons is served on you less than 3 days before that date, you must file Answers to the Interrogatories on or before a new return date, to be set by the Court, not less than 21 days after you were served this Summons.

This proceeding applies to non-exempt wages due at the time you were served with this Summons and to wages which become due thereafter until the balance due on the judgment is paid.

**IF YOU FAIL TO ANSWER, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN
AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.**

FEDERAL AGENCY EMPLOYERS: Effective upon service of this Summons and pursuant to 5 USC 552(a), you are to commence to pay over deducted wages to the attorney for the Plaintiff- Judgment Creditor in accordance with 735 ILCS 5/12-808.

To the Officer: This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than the above date.

WITNESS _____

(Clerk of the Circuit Court)

By: _____

(Seal of Court)

(Deputy)

Plaintiff's Attorney (or Plaintiff, if not represented by attorney)

Name: _____
Attorney for: _____
Attorney No.: _____
Address: _____
City/State/Zip: _____
Telephone: _____

(White - Circuit Clerk; Yellow - PL; Pink - DF; Goldenrod - Employer)

TITLE 111 OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT RESTRICTIONS ON GARNISHMENT

Sec. 301.(a) the Congress finds:

(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

(2) The application of garnishment as a creditor's remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many area of the country.

(b) On the basis of the findings stated in subsection (a) of this Section, the Congress determines that the provisions of this title are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

(82 Stat. 163; 15 U.S.C. 1671.)

Sec. 302. For the purpose of this title:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

(82 Stat. 163; 15 U.S.C. 1672.)

Sec. 303. (a) except as provided in Subsection (b) and in Section 305, the maximum part of the aggregated disposable earnings of an individual for any work week which is subjected to garnishment may not exceed:

(1) 25 per centum of his/her disposable earnings for that week; or

(2) the amount by which his/her disposable earnings for that week exceed thirty (30) times the Federal minimum hourly wage prescribed by Section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, which ever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) The restrictions of Subsection (a) do not apply in the case of

(1) any order of any court for the support of any person.

(2) any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.

(3) any debt due for any State or Federal tax.

(c) No court of the United States or any State may make, execute, or enforce any Order or process in violation of this section.

(82 Stat. 163; 15 U.S.C. 1673.)

Sec. 304. (a) No employer may discharge any employee by reason of the fact that his/her earnings have been subjected to garnishment for any one indebtedness.

(b) Whoever willfully violated Subsection (a) of this Section shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

(82 Stat. 163; 15 U.S.C. 1674.)

Sec. 305. The Secretary of Labor may by regulation exempt from the provisions of Section 303(a) garnishments issued under the laws of any State if he/she determines that the laws of the State provide restrictions on garnishment which are substantially similar to those provided in Section 303(a).

(82 Stat. 164; 15 U.S.C. 1675.)

Sec. 306. The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this title.

(82 Stat. 164; 15 U.S.C. 1676.)

Sec. 307. This title does not annul, alter, or affect, or exempt any person from complying with, the laws of any State:

(1) prohibiting garnishments or providing for more limited garnishments that are allowed under this title, or

(2) prohibiting the discharge of any employee by reason of the fact that his/her earnings have been subjected to garnishment for more than one indebtedness.

(82 Stat. 164; 15 U.S.C. 1677.)

(White - Circuit Clerk; Yellow - PL; Pink - DF; Goldenrod - Employer)