

INSTRUCTIONS

1. A copy of this Answer shall be:
 - a. E-filed with the Clerk of the Circuit Court of Kendall County at www.kendallcountyil.gov
 - b. Mailed to the attorney for the Plaintiff. If the Plaintiff is not represented by an attorney, then mail it directly to the Plaintiff.
 - c. Mailed to the Defendant.

2. You will receive a copy of a Court Order instructing you how to proceed and where to send deducted funds.

Employer/Agent:

Agent Name: _____

Employer Name: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Matthew G Prochaska
Kendall County Circuit Clerk
807 West John Street
Yorkville, IL 60560

WAGE DEDUCTION

INSTRUCTION FOR EMPLOYERS IN WAGE DEDUCTION PROCEEDING

Read 735 ILCS 5/12-801 et seq.

1. Read and follow the instructions to the Interrogatories to Employer.
2. Employer Obligations:
 - (a) To determine that all aspects of the Affidavit and Certification of Attorney are correct and conform to the law.
 - (b) To assert any and all possible defenses of the Defendant - Judgment Debtor to the Post Judgment proceedings and defenses not raised in the original action before Judgment (Examples: Service, Venue, Jurisdiction, Statute of Limitations, etc.)
 - (c) Deliver a copy of your answer to Interrogatories to the Employee (Defendant - Judgment Debtor); Attorney for Plaintiff - Judgment Creditor, and deliver original to Maureen A. Josh, DeKalb County Circuit Clerk, 133 West State Street, Sycamore, IL 60178.
 - (D) To determine that the "Wage Deduction Order" has been properly entered of record before disbursing funds. This requires the employer to check the Court file, the Court's computer or obtain a copy of the Deduction Order.
3. Suggestions:
 - (a) The calculations seem to be intimidating. They are not. They are actually simple if you follow the instructions.
 - (b) Mail the original Answer to Interrogatories to the Courthouse and a copy to the attorney for the creditor and the employee as quickly as possible.
 - (c) Do not send any money to the Plaintiff - Judgment Creditor until you have received a copy of the Wage Deduction Order.
 - (d) If the employee has one or more pending Wage Deductions, calculate the dates necessary to answer each proceeding. Then notify the Court and attorneys involved in each of the proceedings.
 - (E) Child Support deductions have priority over all Wage Deduction Orders. Subtract the Child Support payments from line H on the Interrogatories to determine the funds available to the Plaintiff - Judgment Creditor, if any.
4. If you receive a Summons after Conditional Judgment, this means that the Employer did not respond to the original Wage Deduction Summons. Immediately check the Court file to determine if there was proper service of the original Summons. Contact the attorneys for Plaintiff - Judgment Creditor and arrange to file an Answer to the original proceedings if service was proper. If service was not proper, contact your attorney without delay or call Plaintiff - Judgment Creditor's attorney to further discuss the matter. If you fail to respond to a Summons After Conditional Judgment, a final judgment may be entered against the employer. A final judgment means that Plaintiff - Judgment Creditor can garnish the employer's bank accounts to collect on the judgment.
5. If the employer has any questions, they must contact their attorney. While the attorney for the creditor will be generally helpful, they are looking out for the interests of the Plaintiff - Judgment Creditor, not the employer.
6. The employer is entitled to a statutory fee of 2% of the sums withheld.