

Public Act 104-0120: Amendments to the Code of Civil Procedure

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The Illinois General Assembly has enacted substantial amendments to the Code of Civil Procedure effective January 1, 2026. *See* Ill. P.A. 104-0120; 735 ILCS 5/1-101 *et seq.* Through Public Act 104-0120, amendments which span 67 pages and touch 19 sections of the Code, introduce changes that will affect creditors, debtors, and practitioners alike. The following is a summary of the more notable amendments.

Small claims

Consistent with Illinois Supreme Court Rule 281, no appearance fees will be required in small claims cases. Ill. S. Ct. R. 281. The Court's rule establishing this provision became effective on October 1, 2025, and the Act incorporates this reform.

Citations to discover assets

Citation proceedings will undergo significant revisions. Defendants will receive additional warnings. Citation certifications must now specify whether the judgment is a consumer debt judgment. Citation notices will also be updated to reflect new exemptions. The Act also creates an automatic exemption of \$1,000 in a defendant's property held by a third party.

Additionally, the entry of a turnover order now operates as a dismissal of the citation upon receipt of funds by the judgment creditor or its attorney. This provision creates a potential trap for practitioners who seek continuing relief, such as production of documents or repeated turnover of deposits, because the citation is terminated once the funds are received. Attorneys will need to carefully time and structure requests to avoid inadvertently ending the proceeding.

Revival of judgments

The amendments draw a sharp distinction between consumer debt judgments and other judgments. For consumer debt judgments entered prior to January 1, 2020, the statute of limitations for revival remains 20 years. Those entered between January 1, 2020, and January 1, 2026, may be revived once within 10 years. Consumer debt judgments entered after January 1, 2026, will be enforceable for 15 years, with no revival permitted. These limitations do not apply to non-consumer debt judgments, which remain subject to existing law.

Date Consumer Debt Judgment Entered	Enforcement & Revival Period
Prior to January 1, 2020	20 years (no change)
January 1, 2020 - January 1, 2026	10 years / Revived 1 time
After January 1, 2026	15 years / No Revival

Garnishment

Non-wage garnishment procedures are revised to include additional certifications and updated exemptions. The duties of garnishees are clarified, and the Act expressly protects a garnishee's rights in a defendant's property, ensuring those rights are not impaired by the automatic exemption.

Exemptions

Exemption law is significantly expanded. *All* household goods are exempt from levy and sale, unless the items have a resale value exceeding \$5,000 and the court authorizes their sale. The Act also increases the value of various statutory exemptions:

Asset Type of the Judgment Debtor	Amount
Homestead	\$50,000 (individual) \$100,000 (married couple)
Motor vehicle	\$3,600
Tools of the trade	\$2,250
Bodily injury awards	\$22,500
Automatic exemption	\$1,000, applied as part of the \$4,000 personal property exemption

Under the automatic exemption process, if a defendant does not use the entire automatic exemption before the return day or claim it on the return day, all funds on deposit may be turned over to the creditor. The defendant's ability to claim up to \$4,000 on or before the return day remains the same. *See* 735 ILCS 5/12-1001 *et seq.*

Conclusion

This new Act marks a shift in the areas of debt collection and exemption law. Practitioners should carefully review the statutory language and prepare to adjust their practices in anticipation of the Act's effective date. ■

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