

Honorable Timothy Evans, Chief Judge  
Circuit Court of Cook County, Richard J. Daley Center  
50 West Washington Street, Room 2600  
Chicago, Illinois 60602

*April 21, 2020*

Dear Chief Judge Evans:

The Collaboration for Justice of Chicago Appleseed and the Chicago Council of Lawyers works to promote equity and full access to justice for all in our courts and regulatory systems. We promote systemic reforms, which recognize the intersection of social justice, economic justice, and court systems. Our courts are deeply connected to cycles of debt within the U.S. and understanding how the courts and government intersect to create, collect, and manage debt is critical to creating equity. Our work to combat inequities in the levying of court fines and fees and the management of arrearages leads us to concerns that CARES Act (“Act”) emergency monetary relief will be intercepted by garnishment by creditors for debt relief.

On March 27, 2020, the federal government enacted the \$2-trillion Coronavirus Aid, Relief, and Economic Security (CARES) Act, which includes \$250-billion in emergency relief funds to taxpayers and their families. Although the CARES Act protects these emergency relief funds from debt collection by federal and state governments, it does not address private creditors’ seizure of these funds from bank accounts to satisfy outstanding court judgments. With courts closed to most business, persons affected by garnishment may not have an opportunity to raise their consumer protection rights nor argue that the CARES Act funds are exempt as public benefits. Families in critical need of money for food, rent, and medical care must not be denied CARES Act relief without recourse.

We thus urge the Court to stay existing garnishment orders and order that funds already garnished or attached be returned to the debtor within a reasonable time. In response to the pandemic, the Illinois Supreme Court has already ordered that all courts, in any civil or criminal case, may: “Modify or suspend any deadlines and procedures, whether prescribed by local rule or order, for a stated period ending no later than 30 days after the Governor’s state of emergency declaration has been lifted.” *In re Illinois Courts Response to COVID-19 Emergency*, M.R. 30370. It also has authority to stay garnishment orders. Under the State Constitution, “[g]eneral administrative and supervisory authority





over all courts is vested in the Supreme Court.” Article VI, Section 16 of the Illinois Constitution. “That authority is unlimited in extent and hampered by no specific rules. It is bounded only by the exigencies which call for its exercise.” *Gonzalez v. Union Health Service, Inc.*, 2018 IL 123025, ¶ 16, 123 N.E.3d 1091, 1096 (Ill. 2018) (internal quotation marks omitted).

We urge the Court to also exercise its supervisory authority to suspend issuance of new garnishment orders, stay enforcement of existing orders, and release any property garnished or attached back to judgement debtors. By taking this action, the Court can provide meaningful relief to the people of Illinois at a time of great need.

This small action on the part of the court will provide meaningful relief to people in Illinois by protecting their CARES Act payments at a time when 1-in-12 workers have filed for unemployment, and when the courts are closed to most business, leaving persons affected without an immediate opportunity to raise their consumer protection rights nor argue that the CARES Act funds are exempt as public benefits. Families in critical need of money for food, rent, and medical care must not be denied CARES Act relief without recourse. Thank you for your consideration.

Sincerely,

**Malcolm Rich**, Executive Director  
Chicago Appleseed Fund for Justice & Chicago Council of Lawyers

**David Baltmanis**, Board President  
Chicago Council of Lawyers