
Juvenile Restitution Process

906.1 PURPOSE:

The payment of restitution to crime victims is an essential component of the rehabilitation process for the juvenile and adult offenders. Restitution should be determined at an early stage in the criminal process, recommended as a term of probation or order of the Court, and enforced as an essential part of the supervision plan. Every effort will be made to collect restitution during the period of probation and offenders who willfully fail to pay will be promptly returned to Court.

906.2 GUIDELINES:

- A. Restitution shall be addressed prior to dismissing a case.
- B. Probation Officers in any juvenile unit shall continue to make efforts to contact the victim(s) and/or determine the exact amount of restitution requested by the victim(s) and modify the "to be determined" term following the process listed above.
- C. Pursuant to W & I Code 730.7, within 60 (sixty) days after restitution has been ordered notify each victim of the name and address of the youth and parent or guardian, the amount and any terms or conditions of restitution, sustained offenses, and the rebuttable presumption that the parent or guardian is jointly and severally liable with the youth for the amount of restitution so ordered by sending the CR-110 after a restitution order has been made.
- D. A more detailed description of what is required can be found in the juvenile workbook under "Restitution."

906.3 RESPONSIBILITIES:

- I. All Juvenile Probation Officers (POs):
 - A. Investigations and Supervision Officers shall:
 1. Send the victim letter and pamphlets (Att. A, B & D).
 2. Save all documents written, generated and mailed to CE Documents.
 3. Include copies of available documentation in the Probation file.
 4. Recommend restitution in the amount requested and verified by the victim.
 5. When a youth is being committed to DJJ, the restitution order and restitution fine will be included in the Ancillary section of the report and collected by the DJJ. A confidential memo will be included in the commitment documents.
 6. Recommend the amount of the Restitution Fine as follows:
 - (a) Misdemeanor: \$ 25-100
 - (b) Felony: \$100 -1000

San Bernardino County Probation Department

Procedures Manual

Juvenile Restitution Process

7. Complete and send a Financial Order to Central Collections after restitution is ordered (Att. C).
 8. Make every effort to determine restitution. However, if this is not possible, "to be determined" shall be recommended to allow further efforts to contact the victim, or more time for the victim to provide detailed documentation for their loss.
 9. If the victim has not responded within 30 days of disposition the assigned officer shall repeat efforts to contact victim(s) in order to establish loss.
- B. Dismissing/Closing a Case:
1. Prior to dismissing a case, the assigned officer shall:
 - (a) Send the Abstract of Judgment (CR-110/JV-790) (Att. D.) and a DA's Victim Restitution Unit pamphlet to the victim(s) (Att. E.).
 - (b) Ensure the Abstract of Judgment clearly states where the victim is to sign.
 - (c) Ensure the Abstract of Judgment signed by the victim is forwarded to the Judge of the Juvenile Court who made the restitution order, for their signature.
 - (d) Ensure the Abstract of Judgment (CR-110/JV-790) has been signed by the Judge in order to proceed civilly. Juvenile Court will then process the CR-110/JV-790 and mail it to the victim with documentation to accompany their Abstract. The victim can then choose to exercise their option of proceeding civilly.
 2. If restitution cannot be determined, the officer shall clearly articulate the efforts that have been made and include this information in the request for dismissal.

906.4 ATTACHMENTS:

See attachment: [Juvenile Restitution Process Attachment A \(Lexipol 6-2021\).pdf](#)

See attachment: [Juvenile Restitution Process Attachment B \(Lexipol 6-2021\).pdf](#)

See attachment: [Juvenile Restitution Process Attachment C \(Lexipol 6-2021\).pdf](#)

See attachment: [Juvenile Restitution Attachment D \(Lexipol 6-2021\).pdf](#)

1. Information letter to victim
2. Civil Collections
3. Order for Restitution and Abstract of Judgment (CR-110/JV-792)

See attachment: [Juvenile Restitution Process Att E Instructions - victim rest..pdf](#)

(NOT available in CE) <http://www.courts.ca.gov/documents/cr112.pdf>

See attachment: [Juvenile Restitution Process Attachment F \(Lexipol 10-15-19\).pdf](#)

Attachments

Juvenile Restitution Process Attachment A (Lexipol 6-2021).pdf



Date:

In Re:
JNET #: [REDACTED]

Subject: Victims of Juvenile Crimes

Dear Mr.

The above named minor(s) will appear before the Rancho Cucamonga Juvenile Court located at 900 E. Gilbert Street, San Bernardino, CA 92415 on [REDACTED] at [REDACTED] AM. As the victim in the case, you have the right to appear at this and all other hearings on the matter, if you choose to do so. If you choose not to appear at this hearing, you may receive information regarding future hearings by contacting the San Bernardino County Office of the Juvenile District Attorney at (909) 387-6979, or the San Bernardino County Probation Department's Rancho Cucamonga Office at (909) 945-4000. When contacting either the Juvenile District Attorney or the Probation Department, please identify the matter using the case name(s) and number(s) provided above. If your appearance at any hearing is required, you will receive a subpoena issued by the Court.

Prior to the conclusion of the Court proceedings, if the Court finds the allegations to be true regarding the offense in which you were victimized, a probation officer will contact you regarding any statement you wish to make and to clarify issues of restitution. Sections 730.6 and 730.7 of the Welfare and Institutions Code require that you be reimbursed in full for any economic loss caused by the minor(s). The Court's order becomes a civil judgment that can be enforced by you under the provision of Penal Code Section 1214. A certified copy of the order can be obtained by calling the Court Clerk at Rancho Cucamonga (909) 285-3651. The information provided to you regarding the above named minor(s) is **confidential and cannot be disclosed or disseminated by you or your family. Improper disclosure may result in criminal prosecution and a fine of up to \$500.**

In addition to the above, a copy of a brochure prepared by the Judicial Council of California containing information that may be applicable to your case is enclosed for your information.

Sincerely,

encl./

Juvenile Restitution Process Attachment B (Lexipol 6-2021).pdf



Defendant: _____
Date of Offense: _____
Courtroom: _____

Case No.: _____
Next Hearing Date: _____
Time: _____
Judge: _____

The Probation Officer is conducting an investigation in the above-listed case, and you are mentioned as a victim. The law provides victims the right to make a statement, the right to attend sentencing hearings, and the right to recover losses through the Civil Court.

•Statements: Your statement to the Court may concern the crime, the defendant, and the need for restitution. This statement can be made in person, through an attorney, in writing, on audiotape, or on videotape. (If made by audio or videotape, a transcript must be provided with the tape and submitted to the Court for its record.) Statements become part of the public record. It is suggested that you do not include information such as your address or phone number if you want to protect your privacy.

•Attending Hearings: The next hearing is listed above. If the defendant is not sentenced at this hearing, you may call the Probation Officer for the dates and times of future hearings. Unless directed by the District Attorney or the Court, you are not required to attend.

•Civil Recovery: If you wish to recover losses through the Civil Courts, you must take the initiative to file the appropriate papers. As part of its proceedings against the defendant, the Criminal Court may order payment of restitution as described below. (Restitution does not affect your right to Civil recovery.)

•Restitution: At your request, the Court may order the defendant to pay you restitution to cover your losses. Please note that pursuant to 1202.4 PC, if your insurance company has paid you for your losses, you may be required to negotiate repayment to them of monies you receive from the defendant. This would not include restitution paid to you for your deductible or other related expenses not covered by insurance.

- Please contact the undersigned Probation Officer and submit the attached claim for restitution (if any) by ____! Failure to do so may cause a significant delay in the order of restitution!
□ If you do not contact the Probation Officer by this date, it will be assumed you have no claim for restitution and do not wish to make a statement for the Court.

•Victim/Witness Program: This program provides a variety of services to the victims of certain crimes, including financial assistance and recovery. Call the District Attorney for further information.

Finally, please note that the defendant receives credit against his sentence for all time spent in custody prior to sentencing, plus good conduct and work-time credits. On the date of sentencing the defendant will have total custody credits of ____ days. This must be taken into account when calculating the defendant's date of release.

CLAIM FOR RESTITUTION

(Please Print the Following Information)

Claim Made By (Victim):
In The Case Of (Defendant):
Case Number: _

Approx. Date Of Loss: ___/___/___

Please attach *copies* of documentation such as estimates for repair, pay stubs, bills, receipts, etc. to substantiate your claim. (You may be required to provide more detailed information at a later date.) Generally, restitution in criminal matters covers medical expenses, property loss/damage, lost wages/profits due to injury or time spent assisting the police or District Attorney, and losses directly attributable to the offense. Public agencies are entitled to the cost of emergency response in drunk-driving cases.

Itemized List of Losses:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

(Continue listing losses on reverse, if necessary)

Total Loss \$ _____

Amount paid by defendant(s) to date: \$ _____

Are any of your losses covered by insurance? Yes No

Amount of claim paid by insurance company \$ _____

Amount you were required to pay, including deductible \$ _____

Name of Insurance Co.: _____

Person Address: _____

Policy #: _____ Claim #: _____

SEND RESTITUTION PAYMENTS TO:

Name _____

Phone: _____

Address _____

Reference Number, if applicable: _____

Date Signed: _____

Claimant's Signature _____

Mail or deliver this completed form to the Probation Officer listed on the accompanying letter.

-

If you need an interpreter or other disability-related accommodation to receive services, please contact your Probation Officer.

Juvenile Restitution Process Attachment C (Lexipol 6-2021).pdf



SAN BERNARDINO COUNTY PROBATION DEPARTMENT

TO PROTECT THE COMMUNITY ...

TRACY REECE
Chief Probation Officer

FINANCIAL ORDER

PIN: [redacted] Case No.
Probationer (last, first, middle):
Address: City: State-Zip
Mailing Address (if different):
Phone No. SSN
Probation Period: From to Offense
Arresting Agency and City Date of Offense
Employer Name: Phone No.
Address:

Employer [] Knows [] Does Not Know Case Type:

Table with 2 columns: Fee/Program Name and Amount/Payment/Begin. Rows include: INVESTIGATION FEE, ATTORNEY FEES, SUPERVISION FEES, DRUG/ALCOHOL PROGRAM, GENERAL FINE, STATE RESTITUTION FINE, DOMESTIC VIOLENCE FUND, OTHER, and VICTIM RESTITUTION.

Table with 3 columns: Victim(s) Name, Address and Reference no. (if any), Amount Ordered. Includes rows for victim 1 and victim 2 with co-participant information and checkboxes for Joint & Severable and Other amount.

P.O. Signature Probation Officer: Phone Number: Caseload No. Date Completed

Juvenile Restitution Attachment D (Lexipol 6-2021).pdf



,

Dear :

According to our records, you are the victim in this matter, and the Juvenile Court has previously ordered restitution to your financial losses.

During the minor's term of probation, Central Collections kept track of any payments that may have been made. At this time, the Juvenile Court has terminated wardship and Probation no longer has the jurisdiction to collect on your behalf.

However, pursuant to the law (W&I 730.6 & 730.7) you may pursue the matter through civil collection.

If you would like to pursue this matter, please sign page 1 of the enclosed *Abstract of Judgment/ CR111/JV791*, and mail them to:

San Bernardino County Probation

CLOSED

The Probation Officer will forward the forms to the Court Clerk who will then process these forms and return them to you with a certified copy of the Abstract of Judgment in the mail. If you choose you may then pursue various civil options. Those options are described in the attached document for enforcement of your judgment.

If you have any questions please don't hesitate to contact me.

CIVIL COLLECTION

The County of San Bernardino's Probation Department and District Attorney's Office no longer has jurisdiction over the minor offender in your case and therefore no longer has the authority to pursue collection of your restitution order.

However, the law states that a victim is entitled to enforce any unsatisfied portion of a restitution order (judgment) after the offender (debtor) is no longer on probation or parole. The following are some collection options you may wish to look into when considering pursuing collection of your restitution order:

❖ REAL PROPERTY LIEN

An Abstract of Judgment places a lien on any land, house, or other buildings the debtor owns in the county where the abstract is recorded. If property is sold, the debt will be paid out of the proceeds of the sale. An abstract will also place a lien on property the debtor may buy in the future.

❖ WAGE GARNISHMENT

A Wage garnishment orders the debtor's employer to give you part of the debtor's wages until the debt is paid.

❖ BANK LEVY

A bank levy will take money from the debtor's bank account to pay the judgment. You will need the name, address and branch of the bank.

*You may also wish to seek legal advice from an attorney or legal service for further instruction on enforcement of your judgment.

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and Address)

Recording requested by and return to

TELEPHONE NO. FAX NO. (optional)

E-MAIL ADDRESS (Optional)

ATTORNEY FOR JUDGEMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNADINO:

STREET ADDRESS: 900 E GILBERT ST
MAILING ADDRESS: 900 E GILBERT ST
CITY AND ZIP CODE: SAN BERNARDINO, CA 92415
BRANCH NAME: Central Juvenile Court

FOR RECORDER'S USE ONLY

CASE NUMBER:

CASE NAME:

FOR COURT USE ONLY

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT

(Penal Code, §§ 1202.4(f), 1203.1(l), 1214; Welfare and Institutions Code, § 730.6(h) and (l))

ORDER FOR RESTITUTION

- 1. a. On (date): defendant (name) was convicted of a crime that entitles the victim to restitution.
b. On (date): --WARD DATE-- child (name) was found to be a person described in Welfare and Institutions Code section 602. which entitles the victim to restitution. Wardship is terminated.
c. Parents or guardians jointly and severally liable (name each) ;
d. Co-offenders found jointly and severally liable (name each).
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
a. a hearing was conducted.
b. stipulated to the amount of restitution to be ordered
c. waived a hearing.
3. THE COURT ORDERS defendant/child to pay restitution to
a. the victim (name): in the amount of: \$ --Amount Ordered minus Paid--
b. the State Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund.
in the amount of: \$
c. plus interest at 10 percent per year from the date of loss or sentencing
d. plus attorney fees and collection costs in the sum of \$
e. plus an administrative fee at 10 percent of the restitution owed (Pen. Code, § 1203.1(l))
4. The amount of restitution includes
a. value of property stolen or damaged
b. medical expenses
c. lost wages or profits
(1) incurred by victim due to injury
(2) of victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child
(3) incurred by victim due to time spent as a witness or in assisting police or prosecution
(4) of victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution
d. noneconomic losses (felony violations of Pen. Code, § 288 only)
e. other (specify):

Date:

JUDICIAL OFFICER

VICTIM TO RECEIVE CERTIFIED COPY FOR FILING WITH COUNTY RECORDER

CASE NAME:

CASE NUMBER:

NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

THE VICTIM SHALL FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHENEVER AN ORDER TO PAY RESTITUTION IS SATISFIED, PURSUANT TO PENAL CODE SECTION 1214(d).

APPLICATION FOR ABSTRACT OF JUDGMENT

- 5. The judgment creditor assignee of record other (specify):
applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

[]

- b. Driver's license no. [last 4 digits] and state:
- c. Social security no. [last 4 digits]:
- d. Date of birth: 05/04/1987

- Unknown
- Unknown
- Unknown

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICATE OR ATTORNEY)
 ON INFORMATION AND BELIEF

ABSTRACT OF JUDGMENT

[SEAL]

- 6. I certify that the following is a true and correct judgment entered in this action
- 7. Judgment creditor (name):
 whose address or whose attorney's address appears on this form above the court's name.
- 8. Judgment debtor (full name as it appears in judgment): JOHN DOE
- 9. Judgment entered on (date) ---DATE ORDERED?---
- 10. Total amount of judgment as entered or last renewed \$ ---BALANCE DUE (MATCH #3)---
- 11. A stay of enforcement was ordered on _____ and is effective until _____
 A stay of enforcement was not ordered.

This abstract of judgment issued on (date):

Clerk, by _____, Deputy

NOTICE TO COUNTY RECORDER

THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURSUANT TO PENAL CODE SECTION 1202.4(l) AND (m), PENAL CODE SECTION 1214, AND WELFARE AND INSTITUTIONS CODE SECTION 730.6(i) AND (r), AND FUNCTIONS AS AN ABSTRACT OF JUDGMENT.

Juvenile Restitution Process Att E Instructions - victim rest..pdf

L. Case Name and Number

Use the case name and case number that you wrote on the front of the form.

M. Amount of Restitution

Check the applicable boxes a through e that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes 4b and 4c. If the amount of restitution includes something that is not listed, check box 4e and briefly specify what additional costs are covered.

CR-110/JV-790

CASE NAME: _____ CASE NUMBER: _____

4. The amount of restitution includes

a the value of property stolen or damaged.

b medical expenses.

c lost wages or profits.

(1) incurred by the victim due to injury.

(2) of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.

(3) incurred by the victim due to time spent as a witness or in assisting police or prosecution.

(4) of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.

d noneconomic losses (felony violations of Pen. Code, §288 only).

e other (specify): _____

Date: _____ JUDICIAL OFFICER: _____

NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).

YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 130.7(c).

CR-110/JV-790 (Rev. January 1, 2014) ORDER FOR VICTIM RESTITUTION Page 2 of 2

Order for Victim Restitution (form CR-110/JV-790) is the court order or judgment directing the offender to repay you for any losses that you suffered because of the offense. Once this judgment is entered in the court records, you may use it to collect the money you are owed from the offender. If the court does not give you a certified copy of the order, ask the clerk for one and check to make sure the judgment is entered. If the offender does not pay you, you have several options, including getting the offender to pay you voluntarily, getting more information about the offender, and collecting from the offender's property. If you choose to try to collect from the value of real estate owned by the offender, you will need to record an abstract of the judgment with the county recorder in the county where the property is located. For more information about this process, see *Abstract of Judgment—Restitution* (form CR-111/JV-791) and *Instructions: Abstract of Judgment—Restitution* (form CR-113/JV-793). For more information about this and other options for collecting your restitution judgment, see the California Courts Online Self-Help Center at www.courts.ca.gov/1014.htm.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

Juvenile Restitution Process Attachment F (Lexipol 10-15-19).pdf

A VICTIM'S RESTITUTION GUIDE

Financial Recovery



California Victim Compensation Board



**A PUBLICATION OF CaIVCB AND CDCR'S
OFFICE OF VICTIM AND SURVIVOR
RIGHTS AND SERVICES**

TABLE OF CONTENTS

What Is Restitution?	1
Restitution Fines and Orders	2
Determining a Victim's Losses	3
Losses Covered by Restitution	4
Collection of Restitution	6
Offenders in Prison	7
Prison Litigation Reform Act	7
Restitution Hearings	9
CaIVCB Financial Assistance	10
Resources and Contacts	11
Need More Help?	13

A VICTIM'S RIGHT TO RESTITUTION

The Victims' Bill of Rights Act in the California Constitution includes the right to restitution among its many provisions:

"All persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer."

"Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss."

WHAT IS RESTITUTION?

Restitution is monetary compensation owed to you, the victim, by the offender. As a victim of crime, you have a right to restitution from the offender when you have crime-related expenses.

This brochure explains restitution, how it is ordered and how the California Department of Corrections and Rehabilitation's (CDCR) Office of Victim and Survivor Rights and Services (OVSRS) assist with restitution collection when the offender is sentenced to state prison.

This brochure also explains how the California Victim Compensation Board (CalVCB) can help with certain out-of-pocket crime-related expenses that have not and will not be reimbursed from any other source, as CalVCB is a payor of last resort.



THERE ARE TWO TYPES OF RESTITUTION

One is called a **Restitution Order** and the other is a **Restitution Fine**.

A **Restitution Order** is an offender's debt to you as the victim. State law requires judges to order the offender to pay restitution in every case in which the victim has suffered an economic loss as a result of the crime.

A **Restitution Fine** is an offender's debt to society. State law requires judges to order the offender (adult or juvenile) to pay a restitution fine, set at the time of sentencing. For juveniles, the judge will require the offender to pay \$0 to \$100 for a misdemeanor and \$100 to \$1,000 for a felony. Adult offenders are required to pay \$150 to \$1,000 for a misdemeanor and \$300 to \$10,000 for a felony.

Restitution fines go into the State's Restitution Fund, a crucial funding source for CalVCB, which helps victims pay for expenses resulting from eligible crimes. Fines are very important in assuring that the fund has enough money to help past, present and future victims.

(See page 11 for more information about CalVCB)



The judge will need information from you about your losses in order to determine the correct amount for a restitution order. Make sure you give loss information to your victim advocate, deputy district attorney and/or county probation office before the sentencing hearing. The district attorney (DA) will tell the judge the amount of your expenses so the judge can order restitution.

Occasionally, the offender's sentencing hearing happens before you submit your bills. In these cases, you may not know what the total of your losses will be, so restitution will be ordered with an amount "To Be Determined" (TBD).

Once you know your expenses, you will need to contact the DA's office or the county probation department and request that a "restitution hearing" or a "restitution modification hearing" be put on calendar (scheduled court hearing) by the DA's office. The judge should then modify your restitution amount to include those losses. **Restitution cannot be collected until a definite dollar amount is set.**

If possible, follow these steps:

1. Give copies of loss information to your victim advocate, deputy district attorney and/or probation office before the sentencing hearing.
 - **Victim advocate:**
Every county has a Victim Witness Assistance Center with advocates who can help with your CalVCB application.
 - **Deputy district attorney in charge of your case:**
In the event the DA's office sends you questionnaires or forms to complete concerning losses you may have incurred, it is critical that you complete and return all forms as soon as possible. Often, the DA is dealing with a very short window of opportunity to present your losses to the judge before sentencing occurs.
 - **County probation office:**
The probation office is often in charge of gathering information about your losses. In felony cases, a probation officer may call you or send you a written



request for your loss information in order to complete their report to be presented in court.

2. Have the crime report number (given to you by the police) and the name of the offender.
3. Keep copies of bills, receipts, expenses and any insurance information related to your crime. Always keep a copy of paperwork you submit to the DA, victim advocate and/or probation office.

WHAT ARE SOME EXAMPLES OF LOSSES COVERED BY A RESTITUTION ORDER?

- Attorney fees
- Funeral and burial expenses
- Home or vehicle modifications
- Interest
- Medical and dental services
- Mental health counseling
- Property loss – stolen or damaged property
- Possible future losses
- Relocation expenses
- Residential security
- Security system expenses

A JUDGE JUST IMPOSED A RESTITUTION ORDER TO BE PAID BY THE OFFENDER. IS THERE ANYTHING I NEED TO DO?

It's important to follow up with the appropriate agency to make sure they have your name, current address and your phone number so they can forward any money collected from the offender to you.

If the offender is being sentenced to the **county system** (jail, probation or court supervision) you need to be in contact with your local **county agency** such as the probation department, collections department, the courts or whichever office is handling restitution collection. The agency you will need to contact may vary depending on the type of case and how your county operates.

Your local Victim Assistance Center will be able to direct you to the appropriate agency and provide you with contact information. To contact your local Victim Witness Assistance Center, visit us at victims.ca.gov/victims/localhelp.aspx or call CalVCB at **800.777.9229**.

If the offender is sentenced to a **California state prison**, be sure that your current contact information is on file with CDCR by completing a CDCR 1707 form. CDCR automatically collects restitution from the offender after receiving documentation from the county, but will not be able to send it to you without your contact information. Registering with CDCR's OVSRS will allow you to not only give your current contact information, but also, to ask for notifications such as parole hearing dates, release dates, etc. **It is important to notify CDCR each time you move.**



You may contact OVSRS directly at **1.877.256.6877** or learn more on CDCR's website at **cdcr.ca.gov/victims**. Your contact information will never be given to the offender.

Also, be sure to get a certified copy of the restitution order for your records.

HOW IS RESTITUTION COLLECTED FROM A STATE PRISON INMATE?

Once restitution is imposed and CDCR receives a certified copy of the restitution judgment from the court, CDCR can then assist in the collection of restitution from offenders.

When an offender arrives at prison, an inmate trust account is established. This trust account acts like a bank account to accept deposits and allow withdrawals while an offender is incarcerated. It is also designed to track any financial obligations that an offender may have, such as restitution fines and orders.

If the offender has money deposited into their inmate trust account, CDCR will take up to 50 percent to pay toward their restitution. **For those offenders who have a restitution fine and a restitution order, the restitution order obligation (debt to victim) will be paid first.**



Money collected from the inmate's trust account is transferred to the State's Restitution Fund for disbursement to the victim. Again, it is important that you register your current contact information with CDCR so you can receive any restitution collected. Be patient, as this can be a slow process. Money may accumulate through deposits to an inmate's trust account by family and friends. Other inmate income may come from a job within the prison. Inmates typically make between \$0.38 and \$1.00 per hour and there are more inmates incarcerated than there are jobs available. It is possible that the inmate won't receive any deposits into their account while incarcerated and no restitution collections can be made.

HOW IS RESTITUTION COLLECTED WHEN THE OFFENDER LEAVES PRISON?

When an offender leaves prison and restitution has not been paid in full, all victims' orders are referred to the Franchise Tax Board (FTB). Victims may verify that their restitution debt has been transferred to FTB by calling CDCR's OVSRS at **877.256.6877**. FTB is authorized to use several collection methods including wage garnishment, bank liens and payment plans in order to collect your restitution debt.

Note: If the offender was in state prison but is now under county supervision, the case may still remain with CDCR for collection purposes.

Your confidential information is never released to the offender or FTB during any part of this process.

PRISON LITIGATION REFORM ACT (PLRA)

The PLRA allows CDCR to collect restitution from court judgments or settlements obtained by inmates or parolees in cases against the state. Victims will receive restitution orders from a settlement before inmates or parolees receive any funds.

WHAT IF I DON'T GET PAID?

If the offender was sent to state prison, call CDCR's OVSRS toll free at **877.256.6877** and let them know you are not receiving payment.

If the offender is on probation, talk to your local county probation department to ensure your current contact information is on file. Your probation department can assist you in obtaining restitution from the offender.

Restitution orders never expire and cannot be discharged through bankruptcy.

WHAT IF I WANT TO COLLECT A RESTITUTION ORDER ON MY OWN?

Any time after sentencing, **you may collect a restitution order as if it were a civil judgment.** For more information you can consult the brochure "Enforcing Criminal or Juvenile Court Restitution Orders as Civil Judgments" at sdcca.org/files/enforcement_brochure.pdf.

You can also consult the California Judicial Branch at courts.ca.gov.

HOW DO I RECEIVE RESTITUTION PAYMENTS IF I MOVE?

If your mailing address changes, please give your new address and phone number to the agency that is responsible for collecting your restitution which may be CDCR, probation or another agency.

A delay in the payment process will occur if your contact information is not current or accurate. Even if you haven't received a recent payment, be sure that your current contact information is on file. Restitution is a lifetime debt and money may be collected at a later date. In some cases, it may take years for the offender to be able to repay the entire debt. Again, your address and other contact information will not be provided to the offender.



CAN THE OFFENDER ASK FOR A RESTITUTION HEARING?

Yes. If the offender disagrees with the amount of restitution requested by the DA, they can ask for a hearing.

If the offender asks for a hearing, you may be asked to appear or provide more information concerning your claimed losses. Your victim advocate, DA's office or county probation department can help you if this happens.

WHAT IF THE OFFENDER CANNOT PAY AT THE TIME OF SENTENCING?

Restitution orders and fines never expire. Even if the offender cannot pay at the time of sentencing, you may collect at a later date.

IS RESTITUTION A LIFE-LONG DEBT FOR THE OFFENDER?

Yes. Restitution does not go away until it is paid in full. Even if an offender moves out of state or files for bankruptcy, the restitution debt remains.

HOW TO RECEIVE FINANCIAL ASSISTANCE FROM CaIVCB

The collection of restitution from the offender is a different process than receiving compensation through CaIVCB for being a crime victim.

Victims may be eligible for financial assistance through CaIVCB even before the offender is sentenced and ordered to pay restitution. If you were injured or threatened with injury during the crime and have crime-related expenses, ask your victim advocate about CaIVCB.

CaIVCB is a payor of last resort and provides financial assistance to victims of crime when certain losses and expenses cannot be paid by other sources. Note: CaIVCB cannot cover costs of property damage or theft. If CaIVCB provides financial assistance to you before sentencing, the judge may order the offender to repay CaIVCB. A victim can receive compensation through CaIVCB even if restitution was ordered for the victim but cannot be collected immediately from the offender.

CaIVCB can cover crime-related expenses, such as:

- Funeral and burial costs
- Income or support loss
- Medical and dental expenses
- Mental health treatment
- Relocation





Often, victims have expenses from the crime that require payment before restitution is available from offenders. CalVCB can provide financial assistance for qualified expenses until restitution becomes available, at which point you must reimburse CalVCB.

For more information, contact CalVCB at:

Phone: **800.777.9229**

Email: **info@victims.ca.gov**

Online: **victims.ca.gov**

WHAT OTHER RESOURCES CAN HELP WITH MY LOSSES?

Be sure to check out alternative resources that may be able to help with your losses:

- Auto insurance
- Disability (private or state)
- Filing a civil lawsuit
- Funeral insurance policy
- Homeowner's or renter's insurance
- Life insurance policies
- Mortgage insurance
- Social Security benefits
- Veterans' benefits
- Workers' Compensation benefits



YOU CAN ALSO GET HELP FROM:

- CDCR's OVSRS at **877.256.6877** or **cdcr.ca.gov/victims**
- For adult offenders sentenced to state prison, contact the California Attorney General's (AG) Office of Victim Services (OVS) at **877.433.9069**. The California AG's OVS provides victims with appeal information on adult offenders sentenced to life in prison.
- McGeorge School of Law, Victim Resource Center at **800.victims (800.842.8467)** or **1800victims.org**. The McGeorge School of Law, Victim Resource Center provides a wide range of information and services to victims of crime.
- The California Judicial Branch at **courts.ca.gov**
- Division of Juvenile Justice Victim Services at **916.262.0896**

CALIFORNIA RESTITUTION LAWS

PC § 1202.4 Restitution Sentencing Law

PC § 1202.45 Parole Revocation Law

PC § 1202.46 Reserving Jurisdiction Over Restitution

PC § 2085.5 Authorization to Collect on Fines and Direct Orders by CDCR

PC § 11177.22 Transferring Parole Out of State

Tax Code § 19280

WIC § 730.6 Juvenile Restitution

NEED MORE HELP?

Contact a victim advocate and find additional victim resources and services in your county by visiting our Local Help page at victims.ca.gov/victims/localhelp.aspx.





California Victim Compensation Board

P.O. Box 3036
Sacramento California 95812-3036
800.777.9229
www.victims.ca.gov

Deaf and hard of hearing:
Please call the California Relay Service at 711.



California Department of Corrections and Rehabilitation Office of Victim and Survivor Rights and Services:

P.O. Box 942883
Sacramento, CA 94283-0001
877.256.6877
www.cdcr.ca.gov/victims

