



## **RESTITUTION**

## **A HELP GUIDE**

**This information is provided by the Victim's Rights Coordinator's Office of the Maricopa County Juvenile Probation Department. This office will answer restitution questions, call (602) 506-4471.**

## **THE FOLLOWING IS PRELIMINARY ASSISTANCE**

The Juvenile Probation Department is sending the following information to assist you concerning restitution.

The information being supplied is a preliminary assistance in order to make you aware of the procedures necessary to request restitution.

**A victim will not be entitled to restitution unless the offender is found guilty or delinquent.** However, you should know up front what would be necessary to apply for restitution. A victim will need:

- (1) All receipts of losses that will be claimed.
- (2) A Verified Victim Statement supplied by the Probation Department must be filled out and **notarized**.
- (3) The Verified Victim Statement and copies of receipts of losses should be into the Clerk of the Court **5 days prior to the Disposition (sentencing) Hearing**.
- (4) It is recommended that the victim be at the hearings when restitution is an issue.

# FILLING OUT THE VERIFIED VICTIM STATEMENT OF FINANCIAL LOSS

1. Make sure that your name and address is correct.
2. Make sure that you attach all the receipts of your claim.

## Filling out the lines. . . **EXAMPLE**

1. Total amount of lost wages  
\$\_\_\_\_\_ enter lost wages **\$200.00**  
**or \$0.0 if none.**
2. Total medical expense  
\$\_\_\_\_\_ enter medical expenses  
**\$200.00 or \$0.0 if none.**
3. Total cost of property damage or loss  
\$\_\_\_\_\_ enter property loss  
**\$200.00 or \$0.0 if none.**
4. Total of losses \$\_\_\_\_\_ enter total  
loss **\$600.00.**
5. Total reimbursed from insurance  
\$\_\_\_\_\_ reimbursement  
**\$100.00 or \$0.0 if none.**
6. Subtract line 5 from line 4: **THIS IS  
THE AMOUNT THE COURT  
WILL CONSIDER**  
\$\_\_\_\_\_ **\$500.00.**
7. Have the statement notarized.
8. Return the Statement and attached documents to the Clerk of the Court, address on the statement.

# **EXPLANATION OF RESTITUTION PROCESS**

Restitution is the act of returning or restoring to a victim (people or entities) what is theirs.

The Court can order full or partial restitution to a victim after the juvenile has been adjudicated (found guilty) delinquent.

After the juvenile has been found delinquent, the Probation Officer shall notify the victim of the Disposition Hearing (sentencing) and provide a Verified Victim Statement. The victim may request restitution either by:

1. Returning the completed notarized Verified Victim Statement to the Clerk of the Court with documents that support the claim attached (note: this must be done immediately upon receipt of the Verified Victim Statement - DO NOT DELAY);
2. Or by personally presenting their request, along with supporting documents to the Court at the Disposition Hearing.

Victims can claim any and all economic losses that arise out of an incident; repairs, replacement of items, lost wages, wages lost to attend Court, medical/dental expenses, counseling, etc. Please note however, that claims for pain and suffering damages are not covered by Juvenile Court restitution.

Reimbursement for those types of items is only available through civil court action. If there are pending expenses, please contact the County Attorney for assistance on how to submit that restitution request.

When the Disposition Hearing is held the Judge will consider restitution, as a part of the sentencing. The Judge can set a deadline for restitution requests.

Victims always have the option of pursuing restitution through civil law. Even if the Juvenile Court orders restitution, the victim can bring civil legal action against the juvenile and his/her parents. Parents are liable in civil court for up to \$10,000 in damages per incident. In addition, parents are also liable for any restitution the Juvenile Court orders the juvenile to pay.

If the juvenile has not paid all of the Juvenile Court ordered restitution by the time he/she turns 18, then the Victim's Rights Coordinators Office will process a request to have that unpaid balance considered in a civil judgement. If granted, the judgement packet will be sent to the victim so that a lien may be entered against the juvenile.

It must be shown that a juvenile has the ability to earn or has willfully not paid restitution before their probation can be violated for the non-payment. Juveniles incarcerated may not have the ability to pay until released.

The juvenile pays the restitution amount to the Clerk of the Court and the Clerk mails out the payments to the victim. There is no restitution fund available to victims.

**YOUR ADDRESS MUST BE  
CURRENT AT ALL TIMES  
WITH THE CLERK OF THE  
COURT**

**KEEP THIS INFORMATION  
FOR FUTURE USE**