

Restitution and Reparations

Restitution

WHAT IS RESTITUTION?

Restitution is money an offender pays to the victim of a crime for the victim's **actual** out-of-pocket costs or losses. Restitution may be ordered in both adult criminal and juvenile delinquency cases at the sentencing (adult) and disposition (juvenile) hearings. It will also be required of offenders who participate in diversion programs.

HOW DO I ASK FOR RESTITUTION?

You **must submit an Affidavit for Restitution** form to the Court which includes a descriptive list of your losses, the dollar value of repair or replacement, and receipts or reasons justifying the amounts. This request should be made **as soon as possible** on the Affidavit for Restitution form provided by the Rice County Attorney's Office. Call the Rice County Attorney's Victim/Witness Program at (507)332-6103 (*from Lonsdale call (507)744-5185, from Northfield call (507)645-9576*) if you need a form or assistance completing this form. You may ask for restitution for expenses you have that are a direct result of the offense. These may include, but are not limited to, medical bills, counseling costs, transportation, lost wages, and repair or replacement of stolen or damaged property. **Copies of any bills, receipts, insurance claim forms or other proof of your loss should be attached to the form and will expedite the restitution determination. Do not send originals.**

HOW IS THE AMOUNT OF RESTITUTION DETERMINED?

By law, the amount of restitution must be based on your expenses as a result of the crime *and* the offender's income, resources and obligations. At the sentencing/disposition hearing, the Judge may:

- order a specific amount of restitution to you; *or*
- order restitution to be determined by Community Corrections; *or*
- reserve the issue of restitution for a later date; *or*
- refuse to order restitution, stating reasons for the refusal.

If restitution was ordered to be determined by Community Corrections, they will advise you by letter of the amount of restitution determined.

CAN THE PARENTS OF A JUVENILE OFFENDER BE ORDERED TO PAY RESTITUTION?

Parents *cannot* be ordered by the juvenile court to pay restitution. You may bring a separate civil action against parents, usually in conciliation court. By law, a parent or guardian living with a child who willfully or maliciously causes damage to property or injury to a person is liable up to a maximum of \$1,000.

WHAT IF I DISAGREE WITH THE AMOUNT OF RESTITUTION DETERMINED?

You may request a restitution hearing in court if you disagree with the amount of restitution that has been determined. Contact the County Attorney's Victim/Witness Program or the Assistant Rice County Attorney who prosecuted the case to ask that a hearing be scheduled. You will need to testify at the hearing to support your restitution claim. Offenders may also challenge the restitution determination and request a hearing at which you may need to appear.

HOW QUICKLY WILL THE RESTITUTION BE PAID?

Restitution cannot be required until after the sentencing/disposition hearing or acceptance into a diversion program. Few offenders have the ability or resources to pay the full amount of restitution in one lump sum. **A court order for restitution does not guarantee payment by the offender.** If the offender is on *probation*, the Rice County Community Corrections officer assigned to supervise the offender will evaluate the offender's financial status and schedule an amount to be paid each month as a condition of probation. The payments are made to District Court which will issue a check to you within 30 days of receiving the payment.

Reparations

DEFINITION

Financial assistance is available from the State of Minnesota for victims of violent crime. The Reparations Board is part of Crime Victim Services within the Minnesota Department of Public Safety. For an application or additional information call (651)201-7300; outside the metro area 888-622-8799; TTY (651)205-4827.

PERSONS ELIGIBLE

- Victim who has been physically or emotionally injured as a result of a crime or in an effort to prevent a crime or apprehend a suspect
- Dependent who has incurred economic loss
- Person who is paying for services for a victim (includes medical and psychological care, child care, etc.)
- Estate of a deceased victim if the estate has incurred economic loss
- Witness to a violent crime or a person who discovered a body.

ELIGIBILITY REQUIREMENTS

- Claim filed within 3 years
- Crime reported to police within 30 days (some exceptions apply)
- Cooperate fully with police investigation and prosecution
- No contributory misconduct
- Evidence of a crime

TYPES OF CRIME COVERED

- Person crimes, crimes which pose a substantial threat of personal injury or death
- Car accidents involving intentionally inflicting injury or death through use of a vehicle, driving under the influence of alcohol or drugs, hit and run, fleeing the scene of a crime, and criminal vehicular operation

Property crimes and losses are not covered.

Injuries resulting from other car accidents or crimes are not covered.

COVERED EXPENSES

- Hospital and physician
- Prescriptions
- Physical therapy
- Chiropractic care
- Dental care
- Mental Health care (\$7500 maximum)
- Lost wages
- Funeral/burial/cremation (\$6500 maximum)
- Loss of support
- Household services
- Substitute child care
- Return abducted child
- Ambulance or mileage
- Prosthesis/wheelchair
- Crime scene clean up (\$5000 maximum)

The maximum amount of reparations allowed as a result of one crime is \$50,000.

NOTE: Payment of reparations does not relieve the offender of their obligation to pay restitution. The offender can be ordered to repay the Reparations Board after paying the victim's expenses that were not covered by reparations.