

The Court has ordered a civil judgment from your restitution order. This brochure explains civil judgments and collection procedures.

WHAT IS A CIVIL JUDGMENT?

A civil judgment is a final court decision and order resulting from a civil lawsuit, often requiring one of the parties to pay a specific sum of money to the other party. Civil lawsuits are different and separate from criminal prosecutions. Minnesota law has simplified the process for crime victims. Crime victims do not have to file a separate civil lawsuit in order to get a civil judgment for the amount of restitution owed to them. The criminal or juvenile delinquency court order for restitution can be changed into a civil judgment. Judges often order the restitution changed into a civil judgment if the offender has not paid in full and the probation sentence is expiring. Because the Criminal or Delinquency Court no longer has the authority over the offender when the probation expires, the Court may issue an Order for Civil Judgment. A judgment is enforceable for 10 years and can be renewed.

WHY WOULD I WANT A CIVIL JUDGMENT?

Civil judgments provide another way in which crime victims can receive money from the offender to cover their losses from the crime. If the civil judgment is “docketed” (filed with the civil court), there are some automatic results and some you would have to initiate. For example, a civil judgment automatically will show up if a credit check is done on the offender. It may prevent the offender from being able to finance a car until he or she pays the judgment. A civil judgment automatically becomes a lien on any real estate owned by the offender in this county. If the property is sold during the lifetime of the judgment, the purchaser may not obtain clear title unless the lien is paid. You may also use other methods to collect the money described later in this brochure.

HOW DO I DOCKET A CIVIL JUDGMENT?

Contact Court Administration, Civil Department, (507) 332-6107 to request a blank Affidavit of Identification of Judgment Debtor form. If the offender was on probation, Rice County Community Corrections, (507) 332-6106 can provide the information about the offender you will need to complete this form. You must then file the Order for Civil Judgment and Affidavit of Identification of Judgment Debtor with Court Administration. This may be done in person or by mail at the Rice County Court House in Faribault, 218 NW Third St., Faribault, MN 55021. If done by mail, be sure to include a cover letter stating that you are filing these documents to docket the civil judgment. Crime victims do not have to pay a fee to docket a civil judgment, which resulted from a restitution order. You will be sent a final copy of the civil judgment once it has been docketed.

HOW DO I COLLECT A CIVIL JUDGEMENT?

Getting a civil judgment does not automatically result in collection of the money from the offender. *Collecting* the restitution can cost you \$50 or more in court fees and other fees, so you should consider the amount of unpaid restitution and whether the offender has the ability to pay. Although it is not required, the process can be complicated and you may want to hire an attorney to attempt to collect the money.

If you want to collect the money yourself without an attorney, you will need to know where the offender works, banks, or has other assets. If you do not have sufficient information, you may file a Request for Order for Disclosure with the Court. This form and instructions may be obtained from the Court Administrator for a small fee. You must wait 30 days after the judgment has been entered to file this form. The Court will issue an Order for Disclosure and mail it to the debtor (the offender) along with a Financial Disclosure Form. The debtor is allowed 16 days to

complete this form and return it to you. It is your responsibility to supply the Court with a current address for the debtor.

If no response is received from the debtor, you may file an Affidavit in Support of An Order to Show Cause and schedule a court hearing. A judge will issue an Order to Show Cause, which directs the debtor to appear in court on the specified date. It will be your responsibility to see to it that the debtor is personally served with the Order to Show Cause. The Rice County Sheriff’s Office, Civil Division, (507) 332-6000, will serve this for a fee or anyone other than yourself may serve it. It must be served on the debtor personally. **It cannot be left at his/her residence with anyone else.** The debtor will be required to appear at the hearing and complete the Financial Disclosure form or provide a good reason for not doing so. If the debtor fails to appear, the judge may issue a Writ of Attachment, which is a warrant for the debtor’s arrest. If you choose to have this Writ issued, there is a small fee. The Sheriff will also charge a fee for service of the Writ of Attachment.

If you know where the debtor banks or works, you may order a Writ of Execution (small fee) from Court Administration. An Execution is a legal document authorizing the Sheriff to collect money from the debtor’s wages (garnishment) or bank account. The Execution must be issued to the county where the bank or employer is located. Court Administration will mail the Execution to you and you need to take it to the Sheriff of that county to be served. The Sheriff will charge a fee. The Rice County Sheriff’s Office, Civil Division has forms and instructions for use in Rice County.

You may have the costs of collection added to your judgment. File a notarized affidavit with the Court stating all the costs and requesting those costs be added to your judgment. Attach a copy of your receipt from the Sheriff to your affidavit.

AM I REQUIRED TO DO ANYTHING IF I COLLECT SOME OR ALL OF THE DEBT?

If the debtor pays the judgment in full or in part, **it is your obligation** to provide the debtor with a Satisfaction of Judgment or Partial Satisfaction of Judgment. This form can be obtained from the Court Administrator or any legal stationery store. A Satisfaction of Judgment must be filed with the Court along with a small fee. This must be done within 10 days if paid in cash or within 30 days otherwise.

THE INFORMATION IN THIS BROCHURE IS NOT INTENDED AS LEGAL ADVICE, BUT AS A GENERAL GUIDE TO ASSIST YOU. IF YOU HAVE FURTHER QUESTIONS ABOUT YOUR RIGHTS, PLEASE CONTACT A PRIVATE ATTORNEY. PLEASE BE ADVISED THAT TIME LIMITATIONS APPLY TO THE COMMENCEMENT OF CIVIL ACTIONS AND ENFORCEMENT OF CIVIL JUDGMENTS.

IMPORTANT PHONE NUMBERS

Rice County Attorney's Office
(507) 332-6103

Rice County Court Administration
(507) 332-6107

Rice County Sheriff's Office
Civil Division
(507) 332-6000

Rice County Community Corrections
(507) 332-6106

Civil Judgments

**Civil Judgments from Criminal
Restitution Orders and Collecting
Civil Judgments**



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