

Restitution

What is Restitution?

Restitution is the money a judge orders the offender to pay to the victim to compensate the victim for losses suffered as a result of the crime. Restitution is part of the offender's sentence or disposition and can be ordered in both adult and juvenile cases after the offender is found guilty or pleads guilty. The amount of restitution ordered by the judge depends on the victim's crime-related expenses and the offender's ability to pay.

Who can Request Restitution?

Victims with out-of-pocket losses resulting from a crime may request restitution. Organizations such as churches, schools, businesses, or government agencies may also be eligible if they sustained a loss due to crime.

What will Restitution Cover?

Restitution may be requested for a victim's out-of-pocket losses that are a direct result of a crime. Eligible expenses may include, but are not limited to:

- Medical and Dental Bills
- Counseling Costs
- Lost Wages
- Property Losses
- and Repairing Damaged Property

If the full amount of the out-of-pocket loss is unknown at the time of sentencing or juvenile disposition, the amount of restitution may be determined at a later date, although restitution should still be requested. Requests may also be made for anticipated expenses, such as ongoing medical or counseling expenses.

What Expenses are NOT Covered?

A criminal court cannot order restitution payments for:

- Physical Pain
- Suffering
- Emotional Trauma

Victims seeking financial compensation for these types of losses may wish to hire an attorney to pursue a personal injury claim in civil court against the offender.

How to Request Restitution

Requests for restitution should be made in writing using an *Affidavit of Restitution* form prior to the sentencing or juvenile dispositional hearing. These forms are available at the bottom of this page, in the Redwood County Attorney's office, at the corrections or probation department, or from the court administrator. To determine where to submit these forms, contact Denise Kerkhoff.

Requests for restitution should be supported by copies of documents detailing the victim's expenses including:

- Medical/Dental Bills
- Insurance Co-payment Receipts
- Estimates for Replacing Stolen Items or Repairing Damaged Property
- Counseling Bills
- Transportation Expenses
- Proof of Lost Wages
- and Other Expenses **Directly** Related to the Crime