

**ORANGE COUNTY
PROBATION DEPARTMENT
MISSION STATEMENT**

As a public safety agency, the Orange County Probation Department serves the community using efficient and research supported corrections practices to:

- *Reduce Crime*
- *Assist the Courts in Managing Offenders*
- *Promote Lawful and Productive Lifestyles*
- *Assist Victims*

TO THE VICTIMS OF CRIMES

This brochure was designed to assist victims in seeking reimbursement of their losses from juvenile offenders, parents and legal guardians. This reimbursement is called "restitution." In addition, this brochure will help victims better understand the collection procedure to clarify their rights and expectations.

WHAT IS A RESTITUTION ORDER?

The California Constitution (Marcy's Law) and Welfare & Institution Code Section 730.6, & 730.7, states that the court shall order a youth to reimburse any economic loss caused to a victim, as a result of the youth's criminal conduct. In addition, when a youth is ordered to make restitution to the victims, the parent(s)/legal guardian(s) shall be jointly and severally liable with the youth.

Restitution Orders are the legal documents issued by the Court against the youth and custodial parents or legal guardians, stating the amount of restitution owed to the victim.

The Probation Department's efforts to collect terminate when:

- The youth's probation has terminated.
- The youth is sentenced to California Department of Corrections and Rehabilitation Department of Juvenile Justice
- The youth is transferred to another county.

A victim has a right, upon request, to a certified copy of the Restitution Order.



**FOR FURTHER
INFORMATION CONTACT:**

**THE ORANGE COUNTY
PROBATION DEPARTMENT**

(714) 935-7411

<http://ocgov.com/gov/probation>

P. O. Box 10260
SANTA ANA, CA 92711

**ASK FOR THE ASSIGNED
COLLECTION OFFICER IN THE
JUVENILE RESTITUTION UNIT**



**Daniel Hernandez
Chief Probation Officer**

(R08.22)

**ORANGE COUNTY
PROBATION DEPARTMENT**



*Victim
Restitution*

*Assistance
for victims
of juvenile
offenders*

How can we help?

HOW DO VICTIMS SEEK RESTITUTION?

After the Juvenile Court finds a youth responsible for a crime, and if the amount of losses cannot be ascertained at the time of sentencing, the Court orders the Probation Department to determine the amount of restitution owed to victims.

The Probation Department's Collection Officers contact victims via a Post-Dispositional Letter. Victims are asked to describe their losses and to provide receipts and other documents to substantiate their claim. The losses must be consistent with those reported on the Police Report at the time of the incident.

The Collection Officers review the claims, then request a Restitution Order from the Court. This process may take up to 60 days. The Probation Department and the victims cannot pursue collection of restitution until the amount has been determined and the Court has issued a Restitution Order.



Victims are encouraged to contact the Collection Officer for any question regarding their claim. It is important to respond to the Post-Dispositional letter quickly to avoid delays in processing claims. Victims should advise the Collection Officers when they require additional time to present their claim. Victims are entitled to submit restitution claims

through the Probation Department, as long as the youth is on Probation.

The Probation Department must have the victim's current address in order to avoid delays in processing their claim or disbursing restitution payments. Victims should inform the Collection Officers immediately of any change of address.

WHAT LOSSES MAY BE PAID?

Restitution may be considered for:

- Full or partial payment for the value of stolen or damaged property. The value of stolen or damaged property shall be the replacement cost of like property, or the actual cost of repairing the property when repair is possible.
- Medical expenses.
- Wages or profits lost due to injury incurred by the victim, and if the victim is a youth, wages or profits lost by the youth's parents or guardians while caring for the injured youth or assisting the police or prosecution.
- Other related costs.

WHAT IF THE DEFENDANT IS UNWILLING OR UNABLE TO PAY RESTITUTION?

Once the Probation Department obtains a Restitution Order, the youth, parents or legal guardians are informed of their responsibility with regard to restitution. The victim is also informed of the restitution awarded by the Court.

The youth, parent, legal guardian or victim may not agree with the amount of restitution determined. They may contest the amount of restitution by contacting the Probation Officer to schedule a Contested Restitution Hearing with the Juvenile Court.

Youths may not have the ability to pay restitution. However, under Welfare and Institution Code 730.7, the parents or legal guardians who have custody of the youth are responsible for paying restitution.

The Collection Officer will determine the custodial parents' or legal guardians' ability to pay. If restitution can't be paid once, a payment plan will be established. If the parents or legal guardians disagree with the payment plan, they have a right to request a financial hearing to determine their ability to pay.

The Probation Department may take the following actions to enforce the Restitution Order:

1. A lien may be placed on real or personal property. An Abstract of Judgment may be filed with the County Clerk Recorder in each county where property is owned.
2. A Writ of Execution may be filed to allow the Probation Department to seize income or assets, which includes:
 - a. Wage garnishment
 - b. Bank account levies
 - c. Income receipts levied from a retail business owned by the parents or guardians.
3. Intercept State Income Tax refund.

WHEN DO VICTIMS RECEIVE RESTITUTION?

The Probation Department must by law disburse funds to victims within the following time frames:

- Payments received in cash or postal money orders are disbursed to victims within 30 days of the date received.
- Payments received by check, credit card, cashier's check or other money orders are disbursed to the victims within 45 days of the date received.
- Payments under \$50 may be held for up to 180 days.

HOW DO VICTIMS RECEIVE RESTITUTION?

Victims receive checks in the mail from the Orange County Auditor-Controller. When two or more victims are involved in the same Restitution Order, or a youth is responsible for multiple Restitution Orders, the disbursement will be divided among the victims.

The Probation Department will make every reasonable effort to collect restitution in compliance with a Court's order but does not guarantee the responsible party's ability to pay.

Once the restitution has been fully collected, the Probation Department will file an Acknowledgement of Satisfaction of Judgment with the Court and a copy is mailed to the custodial parents or legal guardians.

CAN VICTIMS COLLECT RESTITUTION ON THEIR OWN BEHALF?



Victims are entitled to collect restitution concurrently with the Probation Department. Victims may wish to seek legal advice regarding their rights and alternatives to

collecting restitution. A victim shall have access to all resources available under the law to enforce the restitution order.

Victims shall notify the Probation Department when they are pursuing collection on their own and shall report any amount paid directly to them.

Any portion of a restitution order that remains unsatisfied after a youth is no longer on probation shall continue to be enforceable by a victim. The Probation Department will notify the victims to request their authorization to assign the Abstract of Judgment to their name.



Victims should be aware that by accepting an Abstract of Judgment their name will be recorded as Judgment Creditor and it becomes public record. Victims shall inform the Court whenever an order to pay restitution has been satisfied.

Victims with no interest in pursuing collection of restitution on their own behalf at the end of the probation period may request that an Acknowledgment of Satisfaction of Judgment be filed.