

# Restitution Judgment Order

An excellent tool for holding the offender accountable.



STATE OF VERMONT v. \_\_\_\_\_ DOCKET NO. \_\_\_\_\_  
(defendant)

Proposed  Stipulated RESTITUTION JUDGMENT ORDER (13 V.S.A. § 7043)

Defendant: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_

Employer: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Victim's Name: \_\_\_\_\_

The victim incurred an uninsured material loss in the total amount of \$ \_\_\_\_\_. Judgment is against Defendant individually for the whole amount, and also jointly with the following people:

Name: \_\_\_\_\_ Docket No.: \_\_\_\_\_  
Name: \_\_\_\_\_ Docket No.: \_\_\_\_\_  
Name: \_\_\_\_\_ Docket No.: \_\_\_\_\_  
Name: \_\_\_\_\_ Docket No.: \_\_\_\_\_

The court finds Defendant has the current ability or reasonably foreseeable ability to make the payment(s) by cash, certified bank check, traveler's check or money order made payable to the State of Vermont Restitution Unit as ordered below:

- Defendant shall immediately pay \$ \_\_\_\_\_ to the court clerk's office.
- Defendant shall pay the amount of \$ \_\_\_\_\_ per  week  2 weeks  1/2 month  month, beginning \_\_\_\_\_, to the State of Vermont Restitution Unit, POB 10, Waterbury, VT 05676-0010. (VT: 1-800-584-3485, Outside VT: 802-241-4688)
- Defendant's earnings shall be subject to wage withholding (see attached order).
- Defendant's earnings shall not be subject to wage withholding because:
  - The court finds good cause not to order wage withholding.
  - The parties have entered into an alternative arrangement by written agreement.
- Defendant shall return the following property to the victim within \_\_\_\_\_ days: \_\_\_\_\_
- Defendant shall make the following payments in kind to the victim within \_\_\_\_\_ days: \_\_\_\_\_
- Defendant has no ability to pay at this time.

Defendant remains liable for this judgment until paid in full, regardless of whether full payment is ordered above based on defendant's current or reasonably foreseeable ability to pay. Until the total amount is paid in full, Defendant shall notify in writing the VERMONT RESTITUTION UNIT within 30 days if the Defendant's address or employment changes, including providing the name, address, and telephone number of each new employer.

\_\_\_\_\_  
Date Judge

Notice: If Defendant fails to pay restitution as ordered, the Vermont Restitution Unit may file a motion to enforce, which may result in wage withholding, suspension of recreational licenses, or other enforcement remedies against defendant as provided by law.

Acceptance of Service: I accept service of this Restitution Judgment Order and waive all other forms of service.

\_\_\_\_\_  
Date Defendant

Samples Available

# Greater Community and the Restitution Unit as Partners



# Victim

- Victim's Name:
- The victim incurred an uninsured material loss in the total amount of \$

Victim's Name: \_\_\_\_\_

The victim incurred an uninsured material loss in the total amount of \$ \_\_\_\_\_.

# Victim Information

- The victim is listed in the center of the RJO.
- If the victim is a business it should be listed as such.

# Offender

- The offender is also known as the defendant.
- This information is used to ensure proper identification and to establish communication.
- Monthly communication is required until the restitution is paid in full.

Defendant:	Name:	_____
	Address:	_____ _____ _____
	Social Security No.:	_____
Employer:	Name:	_____
	Address:	_____ _____ _____
	Telephone No.:	_____

# Working together to make amends



# The RJO is a Court Order

- The county and docket no. identify the Superior Court Criminal Division from which the restitution judgment order was issued.

Form 245

DISTRICT COURT OF VERMONT  
SELECT COUNTY CIRCUIT

STATE OF VERMONT v. \_\_\_\_\_ DOCKET NO. \_\_\_\_\_  
(defendant)

Proposed  Stipulated RESTITUTION JUDGMENT ORDER (13 V.S.A. § 7043)

Title 13 V.S.A. § 7043 Restitution (unofficial copy handouts available)

Or visit <http://www.leg.state.vt.us> on the left hand side of the webpage you'll find the Vermont Statutes Online.



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As Established July 19, 1789 and Amended through December 14, 2010

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## Notes

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The "official" version of the Vermont Statutes Annotated is available online at LexisNexis Publishing.

The Vermont Statutes Annotated and Court Rules at Lexis-Nexis.

The Vermont Agency Rules at Lexis-Nexis.

# The Judge's Signature

The judge's signature is the only signature required.

Defendant remains liable for this judgment until paid in full, regardless of whether full payment is ordered above based on defendant's current or reasonably foreseeable ability to pay. Until the total amount is paid in full, Defendant shall notify in writing the VERMONT RESTITUTION UNIT within 30 days if the Defendant's address or employment changes, including providing the name, address, and telephone number of each new employer.

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Date

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Judge

# Offender's Signature

It is preferable to have the offender's signature which indicates that the offender is aware that restitution is owed, however, ***only*** the judge's signature is required.

Notice: If Defendant fails to pay restitution as ordered, the Vermont Restitution Unit may file a motion to enforce, which may result in wage withholding, suspension of recreational licenses, or other enforcement remedies against defendant as provided by law.

Acceptance of Service: I accept service of this Restitution Judgment Order and waive all other forms of service.

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Date

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Defendant

# Blow the horn about restitution!



Our goal is to make victims whole financially.

# Payment(s)

- Payments may be made by money order or bank check payable to the Vermont Restitution Unit (VRU)
- Payments may be called into the Unit with debit or credit card information (MC / VISA and Discover accepted) to make payment by phone.
- Payments may NOT be made directly to the victim as the Unit has no way of tracking them.

# Wage Withholding

- A court ordered wage withholding can be issued with the RJO to include the amount to withhold monthly or from each paycheck.
- A voluntary wage withholding can be set up by the offender with their employer.
- The main benefit of wage withholding is that the payment gets taken care of without the offender having to remember to purchase a money order, mail it, or call in card information.



**WAGE WITHHOLDING AUTHORIZATION  
AND INSTRUCTIONS**

Effective immediately \_\_\_\_\_ authorizes and directs  
\_\_\_\_\_ to withhold the amount of  
\$ \_\_\_\_\_ .00 per \_\_\_\_\_ from his/her earnings and to disburse the amount withheld to the  
**State of Vermont Restitution Unit.**

Payments must be made payable to "State of Vermont Restitution Unit" and sent to:

State of Vermont Restitution Unit  
Post Office Box 10  
Waterbury, Vermont 05676-0010

Dated: \_\_\_\_\_ X \_\_\_\_\_

**RELEASE**

By signing above, the signer authorizes and directs the State of Vermont Restitution Unit to communicate such information about the signer as the Restitution Unit deems reasonably necessary to assure the necessary withholding is accomplished and the signer indemnifies and holds the State of Vermont harmless for the release of such information.

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Kindly fill out the upper portion of this form and send one copy to your employer and one copy to the State of Vermont Restitution Unit in the envelope provided.

**Samples  
Available**

# No Ability To Pay or NATP

- When the offender is incarcerated or going to jail, the court may check the box indicating the offender has no ability to pay at his time.
- If the offender is not employed and does not have documentation (W-2s, tax returns, pay stubs) at the hearing to document their current financial situation, the court may check the box: Defendant has no ability to pay at this time.
- If nothing is checked for a payment plan, the court has decided to let the Restitution Unit staff set up a payment plan with the offender.

# NATP continued

- Even if the offender has no ability to pay at the time the restitution judgment is ordered, the defendant remains liable for this judgment until paid in full.
- The defendant must notify the RU of any changes to phone number, mailing address or employment status.
- It is expected that the offender will cooperate with the restitution unit and communicate monthly until a payment plan is established, and the restitution obligation is paid in full.

# NOTICE

- If the defendant fails to pay restitution as ordered, the Vermont Restitution Unit may file a motion to enforce, which may result in wage withholding, suspension of recreational licenses, or other enforcement remedies against defendant as provided by law.
- We prefer to work with defendants and expect that defendants will cooperate and communicate monthly with the Restitution Unit.

# Co-defendants

- Judgment is against defendant individually for the whole amount, and also jointly with the following people:

The victim incurred an uninsured material loss in the total amount of \$ \_\_\_\_\_ . Judgment is against Defendant individually for the whole amount, and also jointly with the following people:

Name: _____	Docket No.: _____

# Co-defendants continued

- It is important to make the victim whole again, therefore the court will often order restitution for the whole amount from all co-defendants involved in the crime.
- This can be confusing and upsetting to the defendants, but it is the best way to ensure the victim is made whole again, financially.
- This is considered to be joint and several.

**Let's work together  
to hold offenders accountable, and  
make victims whole, financially.**



# RESTITUTION UNIT

Please call us for a summary of restitution owed



**1-800-584-3485** toll free in VT  
enter 0 (zero) to speak to any available person  
**or**

utilize the following alpha split (by offender's last name):

<b>A-E</b>	Kasey	x 205	<a href="mailto:kasey.martin@vru.state.vt.us">kasey.martin@vru.state.vt.us</a>
<b>F-Maz</b>	Michelle	x 202	<a href="mailto:michelle@vru.state.vt.us">michelle@vru.state.vt.us</a>
<b>McA- S</b>	Maggie	x 200	<a href="mailto:maggie.lane@vru.state.vt.us">maggie.lane@vru.state.vt.us</a>
<b>T-Z</b>	Shayla	x204	<a href="mailto:shayla.parker@vru.state.vt.us">shayla.parker@vru.state.vt.us</a>

*Let us know when you have someone sitting in your office and we will do our best to accommodate your request as quickly as possible.*