



A CRIME VICTIM'S GUIDE TO RESTITUTION



What is Restitution?: Compensation for uninsured losses you incurred as a direct result of a crime is called restitution. When you have losses such as stolen or damaged property, lost wages, medical/dental/ counseling expenses and insurance deductibles, etc., the State of Vermont can seek reimbursement for those losses for you. If you have insurance (or the offender or your landlord does), a claim needs to be submitted to them first before we can enter a claim on your behalf. If insurance pays out on your claim, we can seek restitution for the losses not covered by insurance, including your deductible. If you chose not to make a claim with your insurance, we can only seek compensation for your deductible.

How do I request restitution? To enter a claim, fill out the Restitution Claim Form that was sent to you, attach documents to support your claim, and return it to your Victim Advocate at the State's Attorney's Office. **Verifiable documents include:** receipts, bills, professional estimates, appraisals, wage documentation, a letter from your employer, insurance information, etc. If you have questions about documenting your loss, contact your Victim Advocate or the Restitution Unit for assistance.

How and when is restitution ordered? If the offender is convicted (or pleads guilty), the court will determine whether or not restitution will be ordered and in what amount. In some cases, the court may need you to appear to testify to your losses. The amount of restitution ordered will depend on your documentation and the judge's ruling. Per policy, the Restitution Unit will hold the order for 40 days in case of appeal.

How is restitution collected? Once restitution is ordered, your documents will be forwarded to the Restitution Unit, as they enforce and collect court ordered restitution and direct payments to victims. An offender cannot give away, trade, or sell his property to avoid paying. State tax refunds and/or lottery winnings can also be taken to offset restitution owed. Declaring bankruptcy does not protect an offender from their obligation. If you are aware the offender may be avoiding payments, please contact the Restitution Unit. **It is important to let the Restitution Unit know if you have any change in phone or address, so that payment is not delayed or sent to Unclaimed Property.**

How is restitution paid? The Restitution Unit has the ability to make advanced payments to individuals, from a special fund, in amounts not exceeding \$10,000.00. The Restitution Unit determines a person's eligibility for advanced payment. Undocumented losses, business losses, and cash losses are not eligible for advanced payment. If you are not eligible for advanced payment, the restitution unit will forward payments to you as they are collected from the offender. Businesses will be paid bi-monthly, as payments are received from the offender.

If the offender is a juvenile, the Department of Children & Families (DCF) will handle business losses. If your business has suffered a loss, you can contact your local DCF office for assistance. With the exception of businesses, restitution in juvenile cases will be handled in the manner described above. **If an offender is referred to the Diversion Program or a Justice Center**, they will address your request for restitution. **If a case is dismissed**, by law, we are unable to seek restitution on your behalf. If that occurs, you have the right to seek a civil remedy.

Help is available: We realize that restitution can be confusing and overwhelming. If you have questions about any of this information, please contact your Victim Advocate. For further assistance, the Restitution Unit can be reached at:

P.O. Box 10, Waterbury, VT 05676-0010
PHONE: 1-800-584-3485 (VT ONLY) or 1 (802) 241-4688
FAX: 1 (802) 241-3873