

## • WHAT IF THE OFFENDER IS A JUVENILE? •

A juvenile offender's parents may be responsible for their child's debt up to \$2,000. A separate civil action must be brought against the parents. This can usually be handled in Small Claims court. The County Clerk of Court will provide the forms and information about the filing fee.

## • WHAT IS THE DIFFERENCE BETWEEN RESTITUTION & VICTIM COMPENSATION? •

"Restitution" is only an option if the offender is convicted and ordered to pay restitution by the court. Restitution can be ordered for all of the victim's financial losses related to the crime, including property losses. The offender pays restitution directly to the County Clerk of Court.

"Compensation" is financial assistance provided by the Attorney General's Crime Victim Assistance Division. Compensation pays only certain expenses related to the crime like medical and counseling bills and lost wages.

After insurance and other payers have paid, the Crime Victim Compensation Program can pay the victim's out-of-pocket losses like medical and counseling bills, lost wages, and crime-related transportation. The Crime Victim Compensation Program cannot, by law, pay for property losses.

Victims of violent crimes apply for Crime Victim Compensation on a form provided by a prosecutor, law enforcement officer, or service provider. The victim may also call the program directly and apply over the telephone.

An application for Crime Victim Compensation should be filed as soon as possible after the crime is reported even if the victim plans to request restitution. An application must be filed within two years of the crime or discovery of the crime.

## • CIVIL REMEDIES •

In addition to restitution and Crime Victim Compensation, a victim of crime may sue the offender and third parties responsible for damages of the crime in civil court. A civil suit can recover all of the losses paid for by restitution and Crime Victim Compensation. In addition, a civil suit can hold the offender financially responsible for the victim's psychological trauma, pain and suffering, or loss of consortium.

A victim may contact a private attorney to determine the possibility of filing a civil suit. If the attorney recovers a type of loss in the civil suit that has been paid by the Crime Victim Compensation Program, the program is paid back from the proceeds or settlement of the suit. The program will pay a share of the attorney's fee if money paid by Crime Victim Compensation is recovered in the civil suit.

## • RESOURCES FOR VICTIMS OF CRIME •

- Iowa Victim Assistance Section 800-373-5044 or in Des Moines 515-281-5044
- Statewide Lawyer Referral Service [www.iowafindalawyer.com](http://www.iowafindalawyer.com)
- Clerk of Court means the Clerk of Court in the County where the crime happened.
- County Attorney's Office or Prosecutor means the County Attorney where the crime happened.
- Parole/Probation Office means the Judicial District Department of Correctional Services where the offender lives.

The Victim Assistance Section is entirely funded with criminal fines and penalties.

The program holds offenders accountable for the damage of their crime. The court will order a convicted offender to pay the program back for the losses paid to the victim of their crime.

# VICTIM RESTITUTION AND OTHER FINANCIAL REMEDIES



## ATTORNEY GENERAL BRENN A BIRD VICTIM ASSISTANCE SECTION

Lucas State Office Building, Ground Floor  
321 East 12<sup>th</sup> Street  
Des Moines, Iowa 50319  
**515-281-5044**  
**1-800-373-5044**

[www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)  
Click on "For Crime Victims"



## ▪ WHAT IS RESTITUTION ▪

Restitution is court ordered payment of crime related expenses to a victim by an offender. The Judge can order restitution as part of the offender's sentence. The sentencing hearing in which restitution can be ordered is usually a few weeks after the offender's criminal court conviction. Consideration of restitution is mandatory in all criminal cases in which the defendant is convicted. Restitution is part of the sentencing order.

## ▪ HOW DO I ASK FOR RESTITUTION? ▪

A victim of crime has a right to request restitution. The County Attorney who prosecutes the criminal case will have the victim of the crime complete a **Victim Impact Statement** form. The **Victim Impact Statement** will document the crime-related financial losses suffered by the victim.

The prosecutor, the prosecutor's victim service coordinator, or the pre-sentence investigator should ask you about filing a request for restitution. If you are not asked, call them. **Tell them you want to request restitution.**

If the full extent of the victim's loss is not known at the time of sentencing, the amount of restitution may be determined at a later date.

**If restitution is ordered, always keep the Clerk of Court and any person supervising the offender aware of your current address so that restitution payments can be sent to you.**

The offender has the right to object to restitution ordered by the court. The court may hold a hearing on the restitution order at any time due to objections by the offender. The prosecutor may contact you and ask you to testify at the restitution hearing. The prosecutor will ask you to submit proof of the loss.

## ▪ HOW MUCH RESTITUTION CAN BE REQUESTED? ▪

Victims of crime have the right to request restitution for all crime related expenses that have not been covered by insurance, or by the Crime Victim Compensation Program. This may include, but is not limited to medical bills, counseling expenses, transportation, lost wages, and damaged property. **You will need copies of your bills, receipts, or other proof of loss to attach to your Victim Impact Statement.**

In some cases, sentencing orders can be amended to include restitution at a later date. For example, if additional expenses are incurred, the prosecutor may ask the Judge to add these additional expenses to the offender's restitution order.

## ▪ WHAT IF THE OFFENDER HAS NOT PAID THE RESTITUTION? ▪

**A court order does not guarantee payment by the offender.** If the offender is in an Iowa prison, 20% of all assets in their account will be seized automatically for restitution. If the offender is not in prison, the probation or parole officer monitors the offender's restitution payments.

If restitution was ordered and you have not received a payment, call the offender's probation or parole officer. These officers are located at Judicial District Department of Correctional Services in the Judicial District where the crime was committed. If a probation officer has not been assigned to the offender, call the Clerk of Court or the prosecutor in the county where the crime happened.

If payment is still not made, victims can ask the County Attorney or the probation and parole officer to schedule a contempt of court hearing with a Judge. A hearing may be requested at any time.

At a contempt of court review hearing, the Judge has the following options:

1. Hold the offender in contempt of court;
2. Extend the offender's probation period to allow more time for payment; or
3. Revoke the offender's probation and have the offender serve the remainder of sentenced time in jail or prison.

## ▪ HOW CAN I COLLECT RESTITUTION IF THERE IS NO COURT SUPERVISION? ▪

If the sentencing order was issued after July 1, 1992 the restitution order is automatically considered a **Confession of Judgment**. A confession of judgment is a civil court order (not a criminal court order). A Confession of Judgment is a lien against the offender's resources and property.

A restitution order recorded as a civil judgment will show up if a credit check is done on the offender. It will prevent the offender from getting approval for financing of cars, a house, or other items requiring a loan, until the restitution is paid.

**A civil judgment does not automatically result in collection of the money from the offender.** One option for collecting the money will cost the victim, at minimum, court and filing fees. The victim can go to civil court to ask that the offender's wages, property, bank accounts, and other assets be seized. A victim should weigh their cost to collect the money, the amount of unpaid restitution, and the offender's resources or ability to pay before taking this path and going to court.

**Although it is not required, some victims of crime hire a private attorney to attempt to collect the money.** For a fee, the attorney can help locate the offender's money, property, and other assets. The attorney can also represent the victim in civil court. If the victim decides to collect the money without an attorney, the County Clerk of Court can provide information, the forms that need to be filed, and the fees charged.