

### What happens if I don't pay?

- Restitution does not go away. You will owe until you pay it off, even after you discharge from DJJ. At any time, your victim can go to court and enforce the restitution order as a civil judgment. A civil judgment is a court order that allows the victim to collect their restitution by taking any money or property you have now or will have in the future. This includes wages and income tax returns. It also includes any property you own, like a car. Your parents are also responsible for payment of your restitution.
- You cannot receive an honorable discharge. An honorable discharge allows you to seal your records (juvenile court commitments).
- To be considered for out of state supervision, you may have to pay your restitution in full.
- If you do not pay your restitution fine(s), the Victims Compensation and Government Claims Board will use aggressive collection procedures through the Franchise Tax Board, including taking your tax refunds.

**Important Reminder**

If you make payments toward your restitution or pay it in full, please keep all of your receipts and documentation for future reference.

### - Restitution Obligations -

**Offender Name:**

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**YA #:**

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It is important that you know what your restitution obligation is. Take a moment to meet with your Counselor or Parole Agent to identify your restitution responsibility and note it below.

#### **Victim Restitution Order(s)**

Original:                      Balance as  
Amount                        of: \_\_\_\_\_

- 1) \$ \_\_\_\_\_
- 2) \$ \_\_\_\_\_
- 3) \$ \_\_\_\_\_
- 4) "To-be-determined" \_\_\_\_\_

**Paid in full on:** \_\_\_\_\_

#### **Restitution Fine(s)**

Original:                      Balance as  
Amount                        of: \_\_\_\_\_

- 1) \$ \_\_\_\_\_
- 2) \$ \_\_\_\_\_

**Paid in full on:** \_\_\_\_\_

# California Department of Corrections and Rehabilitation

Office of Victim and Survivor Rights and Services  
Juvenile Services Unit

## Restitution Guide



## For Offenders

*"Paying my restitution is a way to show my victim that I am making amends for what I've done."*

-Quote from a DJJ ward

## What is victim restitution?

When you commit a crime, you must pay your victim(s) for the damage, injury, or loss you caused. Restitution means “paying back” your victim(s).

The purpose of restitution is to help your victim(s) recover from any financial hardship they have suffered. *You* are responsible for paying the victim restitution because *you* caused the loss. For example, you might be ordered to pay for medical bills, funeral expenses, counseling, wage loss, the cost of repairing damaged property or insurance deductibles.

By law, victims have the right to receive restitution (Article 1, Section 28 of the California Constitution). A judge usually orders you to pay victim restitution at the time you are committed to the Division of Juvenile Justice (DJJ) (Welfare and Institutions Code § 730.6 or Penal Code § 1202.4).

The amount of restitution ordered will be equal to what your victim lost. There is no minimum or maximum amount. Sometimes your victim doesn't know the amount of their losses on the day you are sent to the DJJ. If this happens, the judge will order you to pay restitution at a later date once the amount is determined.

*“I couldn't believe all the bills....I didn't ask for this to happen.”*

-Quote from victim

## What is a restitution fine?

If you are found responsible for a crime, the law requires you to also pay a restitution fine. The judge will order the fine at the time you are committed to DJJ. If for some reason the restitution fine is not ordered the day you are sent to DJJ, a fine can be ordered at a later date.

A fine is part of your punishment for violating the law. The amount of the fine is different for juvenile court and superior court commitments. They are as follows:

### Misdemeanor Convictions

Juvenile: Not more than \$100

Superior: \$100 - \$1,000

### Felony Convictions

Juvenile: \$100 - \$1,000

Superior: \$200 - \$10,000

The judge decides how much you will pay by considering the seriousness and circumstances of your crime.

Money collected for restitution fines is sent to the State Restitution Fund to pay for the Victim Compensation Program (VCP). The VCP provides financial help to victims of violent crime for certain out-of-pocket expenses they have suffered as a result of the crime. The restitution fine you are paying is helping other crime victims.

Although you may not have a job or income, the judge must order restitution. When you do have a job or income, you are expected to pay your restitution.

It is possible for you to owe both a fine and victim restitution. If this is the case, your victim(s) will get paid first.

## How do I pay my restitution?

There are four ways you can pay your restitution at DJJ.

- (1) You or your family can make voluntary payments at any time.
- (2) If you are employed within the Free Venture program, 15% of your wages will automatically go toward paying off your restitution.
- (3) While on parole a payment plan will be established by your parole agent.
- (4) The law requires DJJ to deduct up to 50% of any money deposited into your trust account, including ward pay. (Please note that this law does not apply to the following deposits: Free Venture pay deposits, Social Security money deposits, and money transferring with you when you move from one institution to another.)

The money that is deducted from your trust account will go toward paying off any victim restitution or fines you owe. The law also allows DJJ to charge you 10% of the amount deducted from your deposits as an administrative fee. To avoid paying the fee, you must pay the entire amount you owe all at once.

The law regarding deductions from your DJJ trust account is located in Welfare and Institutions Code § 1752.

## Why must I pay my restitution, and why should I pay it during my stay at DJJ?

- Paying your restitution is a way of being responsible and accepting full ownership for your behavior.
- You must pay your restitution to prove to yourself, your victim, and those who will judge you, that you are committed to change and leading a law abiding lifestyle.
- Restitution payments will be a condition of your parole if restitution is not paid prior to your release.
- Pay now so that when you are released you will have a fresh start.
- You must pay your restitution because it is the law.

*“A lot of wards have victims and some of us have worse victims than others... we've created a victim for life. We might not remember them but our victim will always remember us. I think paying my victim back is fair.”*

-Quote from a DJJ ward