

RESTITUTION CLAIM FORM

People v.: _____ Case/Petition No.: _____

If you have suffered a financial loss as a result of a criminal case, the court may require the defendant to pay you back for all or some of your loss. This amount is called "Restitution". To submit your request for restitution, documentation must be provided prior to sentencing. This documentation needs to support the amount you are requesting. Examples are: bills for losses from the crime, receipts or estimates for replacement or repair of property, printouts of fair market value of stolen property from online sellers such as eBay, or Amazon. If insurance reimbursed you for any losses, please provide that information, including your deductible and co-pays.



Remember: Failure to provide supporting documentation could result in restitution not being ordered by the court. The court must order the defendant to pay "fair market value" of each item lost. Fair Market Value is the price that an item would sell for on the open market. The court cannot order the "replacement value" of the items lost. Replacement Value would be if you were to go to the store and purchase the item new.

Itemization of Loss(es): Do *not* include items that were recovered or items reimbursed by your insurance. *For cash, simply write cash and the amount. Use separate paper as needed.

<u>PROPERTY DAMAGED OR STOLEN</u>	<u>AMOUNT REQUESTED</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

Total amount requested: _____

Did you submit any of the above to an insurance company? _____ Do you intend to? _____

Insurance Company Name: _____

If yes, your insurance company may submit a restitution request with our office. Please provide them with the Case number and victim advocate contact information below.

If restitution is ordered, it should be paid to:

Name: _____

Complete Address: _____

Telephone: _____ Email: _____

I acknowledge that the above information is true to the best of my knowledge and belief.

Signature: _____ Date: _____



Return to:

Alpena County Prosecutors Office
Attn: Victim Advocate
719 W. Chisholm Suite 2
Alpena, MI 49707
or by email: jacksoni@alpenacounty.org
or fax: 989-354-9788

If you have any out-of-pocket expenses due to medical bills you may qualify for compensation; please call Compensation Navigator William Rings 989-354-9743 or 989-590-1201 for more information.

RESTITUTION

REPARATION MADE BY GIVING AN EQUIVALENT OR COMPENSATION FOR LOSS, DAMAGE, OR INJURY CAUSED.



A judge can order a defendant to pay money to crime victims to compensate for damages or losses related to a crime, or to return property or money to the crime victim/survivor. Restitution is part of the defendant's sentence and can be ordered in both adult and juvenile cases following a conviction or a plea of guilty. (MCL 780.794 (2))

Who is entitled to restitution?

In all cases, the court must order restitution to victims (including insurance companies that have given compensation to the victim for losses), and to individuals or entities that have provided services to the victims. The court must order restitution to be paid to the victim or the victim's estate first.

How is restitution calculated with regard to expenses related to the victim's death?

If criminal conduct results in the death of a victim, the court must order the restitution be paid to the victim's estate. MCL 780.794(7)

The court may order triple restitution for serious bodily impairment or death of a victim otherwise allowed under the Crime Victim Rights Act. MCL 780.766(5)

How is restitution paid, and when will I get my money?

After restitution has been ordered by the Judge the defendant must pay the amount of restitution to the court. However, the Judge may allow the defendant to pay over a set period of time with monthly installments. Restitution will be distributed to the victim by the **court**. **It is imperative that victims keep the court up to date with their address.**



How does the defendant pay restitution if they are in prison?

The Michigan Department of Corrections allows prisoners to hold \$50 in their account, any amount over that is garnished, with 50% paid out to the victim and 50% going to other court costs. Typically, the funds are held and not disbursed until \$100 has been collected by MDOC. MCL 791.220(hj)

What is a restitution hearing?

A restitution hearing may occur if the defendant challenges the amount of restitution. If a restitution hearing occurs, the victim may be called to court to help prove the expenses. Bring copies of bills, receipts or other confirmation loss.

What if the defendant does not pay?

There is no guarantee a defendant will pay court-ordered restitution, however, the court may impose sanctions upon a defendant for refusing to pay restitution as ordered. Failure to pay should be reported to the defendant's probation officer. Victims have the right to ask the probation officer to schedule a hearing. The court will decide what action to take against the defendant. Restitution orders remain in effect until satisfied in full (even after the defendant's sentence has been completed).

What is the difference between restitution and Crime Victims Compensation?

Restitution is ordered by the court when a defendant is convicted of a crime. The defendant pays restitution.

Crime Victims Compensation is awarded through the State of Michigan for crime survivors who have suffered physical injury as a direct result of a crime. They are a payer of last resort after all other options have been exhausted. If the program pays your expenses and the defendant is ordered to pay restitution for the same expenses, they will pay the CVC Program for the amount paid. For more information/application call 989-356-9748.

