
Restitution for Victims of Juvenile Crime

Ada County Juvenile Court Services



MAGISTRATES

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Ada County Juvenile Court Services is committed to serving victims of juvenile crime. One of the services offered by our agency is the potential to receive restitution. Restitution is a sum of money paid in compensation for injury or loss.

HOW TO SUBMIT A RESTITUTION CLAIM:

Once a juvenile's crime has come to the attention of Ada County Juvenile Court Services and charges have either been filed or the case has been routed to the diversion program, the victim will receive a purple Victim Restitution Statement. This is the victim's opportunity to list the items that were damaged or taken, medical expenses incurred, insurance information (if applicable to the case), and any other information about damage or loss. The victim or the victim's authorized representative needs to sign and date the form, verifying the correctness of the claim. It is very important that this Victim Restitution Statement be returned back to the court in a timely manner or the victim may be unable to receive compensation.

Along with the Victim Restitution Statement, any corresponding bills, estimates, or receipts should be submitted also, which help to further substantiate the loss. For example, if a laptop was stolen, a receipt of the purchase submitted with the Victim Restitution Statement would help to prove purchase and amount of loss. If the receipt is lost or was thrown away, an estimate on letterhead from the company where the laptop was purchased would be beneficial, or even an estimate taken from the company's website on the Internet. If the item no longer exists, an estimate of a comparable item may be substituted. These are just a few ideas of ways for victims to verify their claims.

Filing a claim for restitution is completely voluntary. Victims may provide as much or as little verification of a claim as they want, but the more verification received by the Juvenile Court, the better the victims' chances are of receiving full restitution.

Although compensating victims is very important to the Juvenile Court, it may not always be possible. Restitution can never be promised until a Juvenile Court Judge has made a final ruling on the matter.

INSURANCE CASES:

If there was bodily injury and a claim was filed with and approved by an insurance company, an Explanation of Benefits from that insurance company should be submitted to the Juvenile Court to prove not only the individual's amount of loss, but also the insurance company's amount of loss. Per Idaho Code, insurance companies are recognized as victims and entitled to restitution also. However, medical information is highly confidential. Therefore, only victims may contact their insurance company for information. Victims should authorize their insurance company to provide the Juvenile Court with necessary information and ask that this information be sent directly to the Juvenile Court.

If damage was done to a motor vehicle and the victim filed a claim with a car insurance company, the victim should call his or her insurance company and have them provide the Juvenile Court with verification of loss, both on their part and the part of the individual. In all insurance cases, the Juvenile Court needs to have proof of the insured's deductible as well as the amount of loss.

AFTER A RESTITUTION CLAIM HAS BEEN SUBMITTED:

Restitution can be addressed a number of different ways.

First and foremost, restitution may not be addressed until a juvenile has either admitted guilt or been found guilty. This may not happen until after the juvenile's trial, which could take months. If a juvenile is in the court's diversion program, the settlement of restitution may happen more quickly, as long as the victim has submitted all paperwork and corresponding documentation. In fact, one of the stipulations of being in the diversion program is that the juvenile needs to agree to pay restitution. If the juvenile disagrees, the case is sent back to the Prosecuting Attorney's Office for formal charges to potentially be filed.

In formally charged cases, a court mediator typically contacts the defendant after the finding or admission of guilt. The mediator asks the defendant if he/she agrees with the victim's claimed amount of restitution. If the defendant agrees, an Agreement for Restitution is signed by the defendant, and later the victim, and filed by the court. The document may be signed by the defendant, and later the victim, and filed by the court.

The document may be signed by both the victim and defendant at the same time through a victim offender meeting also, but only if the victim is agreeable to a face-to-face meeting.

If the defendant disagrees with the claimed amount, a restitution review will typically be held for the prosecuting attorney to discuss the issue in court. If the matter is still unresolved, a restitution hearing may be scheduled. The victim may be subpoenaed to attend this hearing.

IF RESTITUTION GETS ORDERED:

If a defendant is ordered to pay restitution, the payments are typically made in monthly increments. These payments are made to the Juvenile Court. Once the Juvenile Court receives a payment, it is entered into a trust fund. The Juvenile Court then creates a check for the victim in the same amount, and that check is then mailed to the victim. It is extremely important that the Juvenile Court be notified immediately of address changes or other information needed to locate victims. Thousands of dollars are returned to the court every year because victims left no forwarding address.

IF RESTITUTION DOES NOT GET ORDERED:

As previously stated, there may be cases where restitution is not ordered. For these cases, victims can still choose to pursue restitution through civil court, by retaining their own private attorney and suing the defendant civilly.

QUESTIONS & CONTACTS

To learn more about restitution, or to visit with a victim advocate or restitution specialist, please call our office at (208) 577-4800.

Ada County Juvenile Court Services

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