



RESTITUTION

Description

For a crime victim, the word “restitution” means the money that repays a victim for her or his losses that were caused by the crime. It is usually ordered to be paid to the victim by the offender as part of the offender’s sentence (this means it is usually available only after there has been a trial or plea agreement).

The Process

When it is time for the judge to sentence someone who was convicted of committing a crime, the Victim Advocate (who works for the State’s Attorney) will ask the victim to complete and return two very important documents: the Victim Impact Statement and the Restitution Request forms. The Impact Statement gives victims an opportunity to tell the judge how the crime affected them. In the Restitution Request, victims describe the financial damages they suffered as a result of the crime.

Restitution in Vermont is only available for “uninsured losses.” This means that the offender can only be ordered to pay the difference between the amount your insurance company paid and the amount of your loss – usually, the amount of your deductible payment.

Victims need to give the Judge some evidence about their losses. For example, if you had to buy a \$10 piece of glass to repair a window broken during a break-in, the Judge might not require that you give the court a receipt. However, if you suffered \$10,000 of damage to your car that was not covered by insurance, you will need to give the court a repair estimate or receipt. It is a good idea to keep copies of all receipts relating to the crime.

Unless the offender agrees (stipulates) to the restitution, there will be a restitution

hearing. Ask your Victim Advocate if you need to attend the restitution hearing.

At the restitution hearing, the defense attorney/offender has an opportunity to argue against restitution. The offender may argue that the amount requested is not fair or even that there should be no restitution at all. It is up to the judge to decide.

After listening to the evidence, the judge may order restitution at the restitution hearing, or if the judge has legal questions about the restitution, the judge may take time to decide and order the restitution later.

Your Rights

In Vermont, all victims who suffered monetary losses resulting from crimes are entitled to request restitution. Receiving restitution may depend upon the offender’s ability to pay.

What Happens Next

Once restitution is ordered, if the victim is an individual (not a business), up to \$10,000 of the restitution can be paid to the victim without waiting for the offender to pay by the Vermont Restitution Unit. The Restitution Unit will send you an affidavit, which you need to sign and return. After the paperwork is complete, the Restitution Unit will issue a check to you, usually within six to eight weeks.

Courtesy of:
