

## 21 FINANCIAL OBLIGATIONS OF YOUTH

### OVERVIEW OF CHAPTER CONTENTS

#### PRIMARY TOPICS COVERED IN THIS CHAPTER (READ ACROSS)

- Summary
- Definitions
- Collection Procedures on Juvenile Orders in a JCI
- Collection from Youth on Community Supervision
- Priority of Debts
- Collection from Youth with Adult Order in JCI
- Procedures Upon Inter-Institution-Transfer

#### FORMS DISCUSSED IN THIS CHAPTER

- Disbursement Request (DOC-184B)
- Sample Restitution Worksheet
- Youth Restitution (DOC-1841)
- County Restitution Contact List

The DOC-184B may be printed from MyDOC. DOC-1841 is completed in the appropriate JJIS screen and printed out in hard copy. Restitution Contact List is a stand-alone document titled “County Restitution Contact List” in the Case Management Manual section of myDOC.

### SUMMARY OF POLICY

#### PURPOSE

The Youth Restitution and Debt Collection Policy **holds DJC youth accountable for their actions** and **ensures compensation to victims** of their crimes. The policy is consistent with the mission of DOC and the principles of restorative justice. It establishes **uniform debt collection procedures** for all youth under DJC supervision in a JCI and on community supervision. This chapter explains procedures to track and collect debts owed by youth as they move from one JCI to another, move from a JCI into the community, and during community supervision.

#### APPLICABILITY

The policy pertains to youth **with juvenile and/or adult court orders** although the collection procedures differ in some ways. Youth are expected to pay all debts including surcharges, victim restitution, and other court ordered financial obligations according to the procedures in this chapter.

Payments must be made in accordance with court orders, Wisconsin Statutes, Administrative Code Rules and DJC policies. DJC can collect for a **debt appearing on a court order directed at DJC** or for a debt arising while a youth is in a JCI or on community supervision.

## Documents that Include Financial Obligation Information

- ICCP: Payment of financial obligations is part of the youth's **ICCP** under the broad program goal: **Display a positive attitude and accept personal responsibility for all of my actions.**

### **PAYMENT OF DEBTS AS A GOAL IN ICCP**

Payment of debt(s) is part of the youth's ICCP under the broad program goal: "Make positive changes in your behavior." [see Chapter 6] The youth's success in decreasing financial obligations should be addressed in the following ways:

- Discussed at each JPRC conference and routine OJOR's.
- Included in Case Plan update in the JCI and the community. [see Chapter 6]
- Included by a social worker or agent in an extension or dispositional report. [see Chapter 9]

## PRIORITY OF DEBTS

### **PRIORITY 1 DEBT**

Pursuant to the statutes, the court must order payment of the required **Victim/Witness Surcharge** of \$20.00 per Dispositional Order. The Dispositional Order, JD-1745, contains the \$20.00 amount. [see chapter 3] Under the statute applying to convicted persons, the court may order payment of surcharges per order.

### **PRIORITY 2 DEBT**

**Victim Restitution:** Court may order a youth to pay restitution to a victim for injuries and property damage resulting from the acts of the youth. The court may or may not specify the amount of the restitution owed.

**Other Court-Ordered Financial Obligations.** The court may order the youth to pay other financial obligations such as court costs, court fees and court forfeitures. By law, a court cannot order a youth under 14 years of age to pay court costs, s.938.37, Stats.

### **PRIORITY 3 DEBT**

**Institution:** A youth may be required to pay institution restitution based upon an act of the youth resulting in property damage.

**Community (field):** An agent and his/her supervisor may order the youth to pay field restitution for damage to state property.

## DEFINITIONS



This chapter contains complex procedures. Understanding the following definitions will be helpful to staff implementing the procedures.

**“Cash Grant”** means an amount of money given to a youth sufficient to meet the youth's immediate needs on the day of departure from a JCI. The JCI considers the youth's needs in relation to the amount of money in the youth's account and the

availability of other resources to determine the amount of the cash grant, if any.

**“Court Order”** means an order of a court relating to a youth adjudicated or convicted for committing an offense.

**“Court Ordered Victim Restitution”** means an amount of money the youth must pay to the victim of the youth’s crime for personal injury and/or property damage; a Priority 2 debt.

**“Debt”** means money owed by a youth to another person or entity.

**“Delinquency Victim and Witness Assistance Surcharge”** means the payment established in the Juvenile Justice Code s. 938.34 (8d)(a), Stats., that the court orders a youth to pay to assist the victims of crime; a Priority 1 debt. The money goes into a state fund to assist victims of crime.

**“Disbursement Request (DOC 184B)”** means the form a youth signs acknowledging the withdrawal of money from his or her account for payment of a debt.

**“Field Restitution”** means restitution imposed by a field agent and supervisor when a youth under community supervision damages state property; a Priority 3 debt.

**“Financial Obligations”** means the debts of a youth.

**“Institution Restitution”** Restitution ordered for the replacement or repair of JCI property or the property of another youth altered or damaged by a youth. A hearing officer, as part of a disposition of a major disciplinary hearing or a section manager, as part of a summary disposition, orders the restitution; a Priority 3 debt.

**“Joint and Several Order”** means a debt owed to a victim that the court orders more than one youth to pay because of their involvement in the same offense. Each youth owes the total debt to the victim.

**“Money from a Youth Complaint”** means money paid to a youth as a result of a complaint filed by a youth stating that the institution was responsible for damage or lost youth’s personal property.

**“Restitution Worksheet”** means a form used in Milwaukee County to compute the amount of restitution owed by a youth for damages and losses resulting from the acts of the youth. Other counties may use a form that differs in name and format.

**“Social Security Benefits”** means money a youth receives monthly from the Social Security Administration because the youth’s parent(s) has died or becomes disabled.

**“Victim Worksheet”** means a form used by a county to compute the amount of restitution owed to a victim(s) by a youth.

**“Wages”** mean money earned by a youth for performing job duties in a JCI or in the community.

**“Youth Allowance”** means a sum of money given weekly to youth in JCI by DJC.

**“Youth Income”** means all money received by a youth including, but not limited to wages, youth allowance, monetary gifts, money from a youth complaint, and Social Security benefits.

**“Youth Restitution and Debt Collection form (DOC-1841)”** means a form signed by a youth that provides information regarding debt payments made by a youth and debt balances remaining. The DOC-1841 is incorporated into JJIS and maintained by the Business Office at a JCI and by an agent in the community.

## DEBT COLLECTION FROM A YOUTH IN A JCI WITH AN ADULT CONVICTION

Differences exist between the statutes governing juvenile and adult court orders regarding payment of the Victim Witness Surcharge, DNA Surcharge and victim restitution. The statutes permit DJC to use funds in an adjudicated youth's JCI account without the youth's consent to pay court ordered debts.

However, Wisconsin law as of early 2002 does not permit the involuntary use of funds in an account of an individual with a sentence in an institution to pay court ordered victim restitution unless the court order specifically states that those funds can be used.

In other words, a **Judgment of Conviction that orders the convicted individual to pay victim restitution, but does not state that funds in the person's institution account shall be used does not permit the institution to involuntarily withdraw funds from the individual's account.** Payment of the restitution would begin when the individual is in the community as a condition of supervision.

Therefore, DJC should not involuntarily withdraw funds from a youth's account to pay court ordered restitution stemming from a conviction unless the court stated that payment begins **within the JCI**. This does not prohibit the youth from voluntarily paying the funds.

A JCI may involuntarily withdraw funds from a convicted youth's account to pay a court ordered surcharge such as a Victim Witness Surcharge or DNA Surcharge.

Therefore, upon arrival in the JCI, a youth with an adult conviction should immediately start paying the Victim Witness Surcharge and DNA Surcharge. Also, voluntarily the youth may begin to pay restitution in accordance with DJC policy.

If the youth refuses to volunteer, the social worker may deliver to the youth the notice, included at the end of this chapter, regarding restitution payment. If the youth still prefers not to pay restitution, the social worker, with the approval of their supervisor, may send the notification, included at the end of this chapter, to the court in case the court may wish to modify the order.

## COLLECTION PROCEDURES ON JUVENILE ORDERS

### STEPS DURING A & E

#### **Notice to Parents**

Shortly after a youth's admission to a JCI, the JCI provides the youth's parent(s) with written notification of the DJC Youth Restitution and Debt Collection policy as part of the admission packet. {see Chapter 4}

#### **Screening Court Orders**

- Designated staff **screen all court orders** relating to the current commitment to determine whether the court has ordered the youth to pay any type of debt.

- All court **orders relating to a particular court case number must be reviewed** when DJC staff determines the youth's debt(s). For example, a youth may be admitted to a JCI based upon an Order Lifting Stay of Execution or Sentence, or a Change of Placement order. That order would probably not reflect a prior order to pay a financial obligation. The original Dispositional Order or Judgment of Conviction would include the court's orders relating to restitution and other debts. Therefore, it is important to always obtain and review the original Dispositional Order or Judgment of Conviction relating to the current commitment.

### **Court Order Versus DJC Policy**

At times a court order may conflict with the procedures contained in this chapter. The court order must be followed unless amended at some point.

If a court order appears to conflict with DJC policy, the social worker or other designated staff should consult with the section manager. If the manager agrees that the DJC policy differs from the court order, the social worker or other designated person should prepare a letter to the court for the section manager's signature. See sample letter at end of the chapter.

### **YOUTH ACCOUNT AT JCI**

Each youth has an account in the JCI business office. A youth's account will include exempt and non-exempt income.

**Exempt income:** Money that cannot (by DJC policy) be used without the youth's consent to pay a youth's debt(s). It includes:

- 50% of the youth's weekly allowance: (see Priority 3: Institution Restitution regarding an exception to this policy)
- 100% of monetary gifts to the youth
- 100% of money received pursuant to a youth's complaint,
- 100% of a cash grant given to a youth upon return to the community.

**Non-exempt income:** Money that may be used (by DJC policy) without the consent of the youth to pay a youth's debt(s) including:

- 50% of the youth's weekly allowance
- 100% of money earned at a JCI
- 100% of Social Security benefits **deposited into a youth's account.**

### **BUSINESS OFFICE RESPONSIBILITIES**

The business office deducts payments from the youth's account. The **JJIS Trust Account** system makes the necessary computations for all 3 debt categories using only non-exempt income to pay the youth's debt(s) in the proper priority order.

- When a Dispositional Order includes the actual payment amount, the designated staff or the OOA uses the Case Book screen, Restitution tab in JJIS to enter a separate record for each of the youth's financial obligations.



- Whenever the amount of victim restitution is determined at some point after the youth's admission (Dispositional Order did not state amount), designated staff enters the data as if the amount had been known upon the youth's admission.
- During youth's stay at JCI, business office staff make the appropriate entries in the JJIS trust accounting screens.
- Whenever a youth in a JCI incurs additional debts, such as institution restitution, the information should be entered properly into JJIS.
- **Debt payment and balance information is available in JJIS under these menu items: Trustacc > Trust > Display Account.**

### **Youth Restitution and Debt Collection (DOC-1841)**

- Designated staff or Social Worker or the OOA, uses the **Case Book screen, Restitution tab in JJIS** to enter a separate record for each of the youth's financial obligations: type of debt, to whom the debt will be paid and the amount owed.
- That staff member should use JJIS to print the DOC-1841 for each obligation and distribute the form per DJC policy.
- Youth signs the DOC-1841 acknowledging receipt of the form. If the youth refuses to sign, social worker notes that refusal on the form.

### **Disbursement Request (DOC-184B)**

Youth signs the form to acknowledge the deduction of money from his or her account for payment of a debt(s). If a youth refuses to sign, the social worker notes the refusal on the DOC-184B, and signs as approving the disbursement and sends the form to the business office. This may be printed from myDOC.

### **PAYMENT OF A PRIORITY 1 DEBT**

#### **Deduction from Account**

- The Victim/Witness Surcharge is **deducted from the youth's account until it is paid in full**. All of the non-exempt money (100%) is used to pay the surcharge.
- Money cannot be deducted to pay either a Priority 2 or 3 debt until the Priority 1 debt is paid in full.

#### **Forwarding of Payments**

The business office forwards payments for the **Victim/Witness Surcharge directly to the state controller's office in the Department of Administration**. In some cases, the court may have issued an order stating that the youth shall pay the surcharge to the county clerk of courts. At the time the judge signed the court order, the youth was present in court. If the youth paid the surcharge before admission to the JCI, then the payment is made to the county clerk.

However, s.938.34 (8d)(c), Stats., directs that when a youth is placed in a JCI, DOC collects the amount owed for the surcharge and transmits it to the state Department of Administration. When the JCI sends the youth's surcharge payment to the state Department of Administration, the JCI **notifies the committing county clerk of courts in writing and requests the clerk to note the payment** in the youth's court record. The business office includes, with the notice to the clerk of courts, a copy of the payment transmitted to the state Department of Administration treasurer.

## **PRIORITY 2 DEBT**

### **More than One Debt**

- **Victim restitution:** Orders of victim restitution are **paid sequentially** according to the date the orders were signed by the court. This includes only court orders relating to a youth's commitment to DJC
- **Other court ordered debts:** After the victim restitution has been **paid** in full, any **other court-ordered debts are paid sequentially** according to the date the orders were signed by the court. This includes only court orders relating to a youth's commitment to DJC.

### **Forwarding of Payment**

The business office forwards court ordered restitution to the **county contact** whose address is identified on the DOC-1841 or on the document titled "County Restitution Mailing List" in "DJC CMM" in "Groups Folder."

### **Court Order Does Not Specify Amount of Victim Restitution**

- **Overview**

- ✓ Historically, courts have ordered payment of victim restitution, but in some cases did not indicate the amount. Those **orders indicated that the amount was "to be determined"**.
- ✓ Generally, that determination became the responsibility of DJC. After determining the amount using the procedures described below, the Business Office withholds money from the youth's account according to the court order or this chapter.
- ✓ As of May 2001, the standard required Court Dispositional Order (JD-1745) does not include a place for the court to indicate that the amount is "to be determined". The court should enter the amount. However, it is likely that DJC will continue to receive orders stating "to be determined."

- **"To-Be-Determined" Orders**

When DJC needs to determine the amount of victim restitution, the cases fall into 1 of 2 categories described below. Money cannot be withheld from the youth's account without a determination of the amount.

- ✓ **Victim Worksheet Available at the JCI**

In some cases, the reception social worker receives a Restitution Worksheet completed by the victim upon or shortly after a youth's admission to the JCI. In that case, he or she follows procedures described below based upon the completed worksheet.

- ✓ **Need to Obtain Victim Worksheet**

- \* If the reception social worker does not have a completed victim worksheet, he or she **contacts the Victim/Witness Coordinator** [see list at the end of chapter] in the committing county to ask that person to obtain a completed form from the victim and send it to the JCI.

- \* In Milwaukee County, the assigned social worker contacts the Milwaukee County Children's Court Liaison.
- ✓ **When Completed Worksheet is Available at JCI**
  - \* Reception social worker discusses the Restitution Worksheet with the youth and **informs the youth of the legal right to dispute the amount** in a court hearing.
  - \* If the court had determined the amount at the time of the youth's hearing, he or she could have exercised this right at that time.
  - \* Youth has the responsibility to contact his or her attorney if he or she wishes to appeal the amount.
  - \* When the youth **does not dispute the amount** of restitution or a dispute has been resolved, the **business office deducts 100% of the youth's non-exempt money** until the Priority 2 debt is paid in full
- ✓ **Appeal by Youth**
  - \* When a **youth decides to request the court to review** a restitution amount, the business office **may deduct and forward any non-exempt money** for debt payments, until the dispute is resolved.
  - \* If a youth is released or transferred from the JCI before the resolution of the dispute, the money remains in the youth's account until the matter is resolved.
  - \* When the youth's appeal has been heard and the court orders the youth to pay a specific amount, the **business office deducts 100% of the youth's non-exempt money** until the Priority 2 debt is paid in full. Designated staff using the Case Book screen, Restitution tab in JJIS should amend the DOC-1841 and process per DJC policy.

### Joint and Several Orders of Victim Restitution

- **Explanation**



When **2 or more youth are involved in the same offense**, the court may issue an order holding all involved youth accountable for restitution. A joint and several order requires that **each youth be responsible for the total amount** of the restitution ordered.

A youth's obligation to continue paying does not end when he or she has paid an amount that would be equal to the amount if the total were divided equally among the involved youth.

When the court issues a joint and several order for restitution to be paid by youth assigned to different social workers, the social workers should work cooperatively to establish a payment plan and track restitution payments. **Each payment made by a youth modifies the amount owed by all involved youth**; i.e., when one youth makes

a payment, the total balance owed by all the youth is reduced by the amount of the payment.

The **victim** receiving the restitution from the joint and several order is **not entitled to receive more than 100%** of the amount of restitution ordered by the court.

- Youth Request for **Amended Order**

The social worker informs a youth paying on a joint and several order that when the youth believes he or she has paid an equitable share of restitution, the **youth may request the court to amend the restitution order** from a joint and several order to a sole payment order. The youth has the responsibility for contacting his or her attorney. An amended order would relate only to payments made subsequent to the revision. **The court will not necessarily grant the request.**

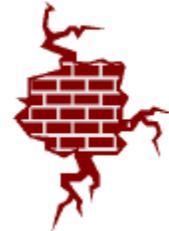
- **Youth's Right to Sue**

The social worker informs the youth that he or she has the **right to sue the other youth in civil court** if the youth believes he or she has paid more than a proportionate share of restitution. If successful in the legal action, the youth may recover from the other involved youth excess payments he or she made.

### **PAYMENT OF A PRIORITY 3 DEBT: INSTITUTION RESTITUTION**

#### **Order to Pay Institution Restitution**

A hearing officer, as part of a **disposition of major disciplinary hearing, or** a section manager, as a part of a **summary disposition**, may order a youth to pay institution restitution for damages caused by the youth.



#### **Methods of Deduction**

Institution restitution is deducted from the youth's account following one of two methods:

- After all Priority 1 and 2 debts have been paid, the automated system in the business office deducts 100% of the youth's non-exempt money to pay Priority 3 debts.
- **Exception: Withholding of 100% of Allowance**
  - ✓ In some cases, a youth repeatedly damages property, causes substantial property damage in an incident, or causes personal injury resulting in medical expenses for the injured person.
  - ✓ As part of a major disciplinary hearing process (not summary disposition), the hearing officer may order **with the approval of the superintendent or designee, that the usually exempt 50% of the youth's allowance can be used to pay institution restitution** for a period limited to 4 weeks; i.e., up to \$8.00.
  - ✓ The hearing officer should include in the order a dollar amount, rather than the number of weeks, and a statement that the youth does not have access to the Canteen during the time it requires to withhold the amount of money.
  - ✓ Business Office begins withholding via JJIS the second half of the allowance as of the date of the major discipline.

- ✓ Allowance withheld under this procedure must be used for institution restitution.

### Sequential Payment

A youth may have **more than one Priority 3 debt** at the same time. The automated system pays the debts sequentially based upon the date the debt is entered into the system, with the earliest debt being paid first.

## PROCEDURES UPON RELEASE/TRANSFER TO COMMUNITY SUPERVISION OR DISCHARGE

Any money remaining in a youth's account upon the youth's placement on community supervision or discharge from the institution will be applied to any remaining debts.

Exception: If a Social Worker determines a dire need exists for a youth to be allowed to keep a portion of the money remaining in his/her account, an exception to this policy may be requested. To request an exception, the Social Worker must submit a written request to the Superintendent or designee asking that a specific portion of money, from the youth's account, be disbursed to the youth.

The request should include justification for the amount of the request.

If approved by the superintendent, the request should then be forwarded to the person responsible for handling resident accounts.

Examples of when an exception may be requested:

- A youth is going on to an independent living situation
- A youth is being discharged with few resources and might otherwise require a cash grant (see chapter 18)

## PROCEDURES UPON INTER-INSTITUTION TRANSFERS

Upon arrival at receiving JCI, the **receiving social worker reviews in JJIS** the youth's current debt(s) payments and balance information.

When there is a remaining balance, payment of a debt **continues to be part of the ICCP, addressed in Progress Summaries** and discussed at **JPRC's**. [see Chapters 5 & 6]

The **business office** at the receiving JCI **continues to deduct** payments from the youth's account.

## PREPARATION FOR YOUTH TRANSFER OR RELEASE TO THE COMMUNITY FROM A JCI

The trust accounting portion of JJIS has been tracking youth payments toward financial obligations. This information must be transferred to the DOC-1841 to allow community staff to use JJIS to track youth payments toward remaining obligations.

While not every youth receives community supervision from DJC, it is important to make the following entries for each youth. This will allow DJC to consistently provide current debt(s) and balance information to youth, parents, DJC agents and county staff using the DOC-1841, which is printed in from the Case Book screen, Restitution tab in JJIS.

- Business office reviews youth's debt(s) payments and balance information in the **trust accounting portion of JJIS (Trustacc > Trust > Display Account) to ensure all of the youth's financial transactions (weekly allowance, Social Security payments, etc.) have been completed in JJIS.**
- Business office staff make entries on the **Case Book screen, Restitution tab** to reflect the current status of each youth obligation. The staff will enter one transaction record for each obligation toward which the youth made some payment. This record will indicate the sum of all payments made toward the given obligation, resulting in the display of the correct balance for each obligation on the Restitution tab.
- Business staff notify the youth's social worker that these entries have been made and that the DOC-1841 can be printed to reflect the current status of the youth's obligations.

In the event these entries are made prior to the completion of the youth's financial transactions at the institution, business office staff can enter additional transaction records to reflect additional payment(s) toward any of the youth's obligations.

## **DEBT COLLECTION PROCEDURES FOR YOUTH ON COMMUNITY SUPERVISION**

### **AGENT ESTABLISHES PAYMENT PLAN**



When a youth is being released to community supervision, the receiving agent looks up the youth's current debt(s) payments and balance information in JJIS (**Case Management > Youth Community Activities > Case Book**)

- Agent uses JJIS to print the DOC-1841 for each youth obligation.
- The agent consults with his or her supervisor to establish a payment plan according to the youth's ability to pay.
- Plan is incorporated into the youth's ICCP.
- Agent completes a DOC-1841 and requests the youth to sign.

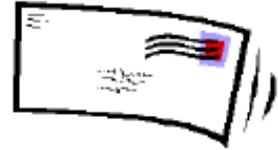
### **PAYMENT OF DEBT(S) CONTINUES TO BE PART OF THE YOUTH'S ICCP.**

- Agent records in JJIS each payment that she/he has observed [see below] the youth make. (**Case Management > Youth Community Activities > Case Book**)
- Agent can print a new version of the DOC-1841 from this screen as needed. The agent tracks payments on a DOC-1841.

### **METHOD OF PAYMENT**

Agents **cannot have possession** of or directly handle a youth's money to be used for payment of any debts.

- An agent may provide an envelope and a stamp to a youth.
- Agent may observe a youth place a payment (check or money order) in an envelope, seal it, and place it in a mailbox or location in the community corrections office from which a mail carrier will pick it up.
- Agent may accept a receipt that indicates the youth made a payment.



### **PAYMENT OF PRIORITY 1 DEBT**

It would be unusual for a youth to have a remaining Priority 1 debt. However, if a balance remains, the youth sends the payment to the local Clerk of Courts where the surcharge was imposed.

### **PAYMENT OF PRIORITY 2 DEBT**

The youth makes payments for Priority 2 debts directly to the **county contact** whose address appears on the DOC-1841 or on the available current list of county restitution contacts. The youth either mails the payment in the presence of the agent, or requests a receipt from the county contact and submits the receipt to his or her agent.

### **PAYMENT OF PRIORITY 3 DEBT**

#### **Institution Restitution**

Youth makes payments for Priority 3 institution restitution directly to the **JCI business office**. The youth either mails the payment in the presence of the agent, or requests a receipt from the business office and submits it to his or her agent.

#### **Field Restitution**

If a youth **damages state property** while under community supervision (e.g. electronic monitoring device), the agent and the supervisor determine the amount of the Priority 3 field debt to be paid by the youth.

- Agent notifies DJC Office of Management and Budget (OMB) of the youth's name, address, J-number and the amount of the debt.
- Youth makes payments for Priority 3 field restitution directly to DJC in Madison by money order made out to the Department of Corrections. The youth either mails the payment in the presence of the agent, or requests a receipt from the OMB and submits it to his or her agent

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### **YOUTH RETURNS TO A JCI**

If a youth returns to a JCI, the agent informs the business office of any remaining balance(s) by forwarding a current DOC-1841 or via entry into JJIS. The Trust Account System pays and keeps track of the youths' financial obligations. [Case Management>Youth Community Activities>Case Book]

**The following letter should be placed on the appropriate letterhead.**

**When juvenile court order conflicts with DJC collection policies**

{Date}

{Court}

{Street Address}

{City, State, Zip Code}

Re: {Name of Youth}, {DOB}, {Court Case Number/s}

To The Honorable Judge {Name},

On {date of commitment}, the above identified youth was committed to the Department of Corrections, Division of Juvenile Corrections for a period to expire on {court ordered expiration date}. At that time, the Court did further order {"specifically what the court order states in reference to restitution"}.

The Department policy pertaining to restitution is as follows:

“Money that may be used by DJC policy without consent of the youth to pay a youth’s debt(s) include **50% of youth’s weekly allowance, 100% of wages, and 100% of Social Security Benefits deposited into a youth’s account.**” A youth may consent to utilize the remaining 50% of weekly allowance, any monetary gifts received, any money received pursuant to a youth’s complaint, and any cash grant given to a youth upon release. In addition, with a few exceptions, **any money remaining in a youth's account upon leaving the institution** upon placement under Community Supervision or discharge **is applied to remaining debt such as victim witness surcharge and restitution.**

Due to an automated system for collecting restitution, such will be collected in accordance to the above stated policy.

**If approved: Please sign here and return \_\_\_\_\_.**

Should there be any questions or concerns, please feel free to contact {name, title, and phone number}.

Your attention to this matter is greatly appreciated.

Sincerely,

**Institution Letterhead**

## NOTICE REGARDING RESTITUTION PAYMENT

DATE: **Insert Date**

TO: **Insert Youth Name, J#, Cottage**

FROM: **Social Worker**

CASE#: **Insert Court Case #**

The court has ordered you to pay restitution in the amount of **\$XX** for case **#Court Case**. Per DJC Manual Procedure, the social worker is required to ask you to authorize this deduction.

If you choose to authorize this deduction, the amount shown above will be withheld from all funds posted to your account in accordance with DJC policy.

If you refuse to authorize this deduction, the court will be notified of your refusal. Please note that in most cases, the courts have issued amended judgements specifying repayment at 50% rather than the 25% you would pay within the adult system by voluntarily allowing the deductions.

Please indicate your choice below, sign, and return the bottom half of this form to your social worker within 5 days.

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TO: **Institution** Business Office

FROM: **Insert Offender Name, DOC#**

CASE #: **Insert Court Case #**

- I agree to have restitution in the amount of **\$XX** withheld from my account for the above referenced case.
- I refuse to have restitution from this case withheld from my account. I understand that the court will be notified.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Cc: File

**Institution Letterhead**

DATE:            **Insert Date**

TO:              **XX** County Circuit Court

FROM:           **Insert Staff Name**  
                    Social Worker

SUBJECT:        Case # **Insert Case**

The above Judgement of Conviction orders **Youth Name** to pay restitution in the amount of **\$XX**. However, it does not direct the Department of Corrections (DOC), Division of Juvenile Corrections (DJC) to take deductions from this youth's account while **he/she** is placed in a juvenile correctional institution and **he/she** is refusing to make voluntary deductions to satisfy this debt.

The DJC Case Management Manual requires that we contact you regarding the youth's refusal to authorize restitution deductions. If it is the court's intention that DOC/DJC take deductions from all money received for the benefit of the youth, then we need a revised judgement stating this.

Thank you for your time.