

## Courts and Restitution Orders

A request alone does not ensure restitution will be ordered. However, not making a request ensures that restitution will not be ordered. The court may still decide not to order restitution after receiving a request. If the court decides not to order restitution, it should, according to *W.S. 7-9-103*, give specific reasons why it is not ordered.

## Payment Plans

If restitution is ordered, payment by the offender is the victim's next concern. *W.S. 7-9-104* through *7-9-109* sets out the procedure and considerations in developing offender's payment plans. If the offender has the means to pay the restitution immediately, the court might order a one time payment for the full amount.

It is likely an offender will have to make payments over time to satisfy an order. Someone appointed by the court, often from probation or parole, should develop a payment plan. Victims should be notified of the provisions of this plan.

## Receiving Payments

Offenders make payments to the Clerk of the Court, who then distributes payments appropriately. If the offender is on probation or parole monitored by the Dept. of Corrections, the officer monitoring the offender should be notified if payments are not received in accordance with the plan. For offenders who are on unsupervised probation and not making payments, notifying both the prosecutor and the court is advisable.

## Other Restitution Issues

### Juvenile Delinquents and Restitution

According to *W.S. 14-6-247(a)(v)*, either a juvenile and/or the child's parents can be ordered to pay restitution to the victim's of a juvenile offense. The most a parent can be required to pay in restitution for a child's offense is \$2,000. The requesting process is similar to that of adults.

### Collecting Orders Civilly

Restitution orders can be enforced the same way civil judgments are enforced. This means that civil collection options such as liens on property and garnishment of wages are available to victims to collect restitution. However, an offender must own property before a lien can be placed on it. Civil enforcement of restitution orders is an option that is probably best used after an offender is no longer on probation or parole and is not making payments.

Contact your local advocacy program at:



What you should know  
as a victim of crime:



Office of the Attorney General  
Division of Victim Services

**Victims Only Toll Free Helpline:  
1-888-996-8816**

# Restitution:

## Financial Restoration For Victims

### Victims of Crime and Restitution

Victim Restitution is court ordered payment by offenders to victims for expenses resulting from crime. As a general guideline, restitution can be ordered for “direct” costs resulting from a crime. Examples of “direct” costs include the following types of expenses:

- medical bills
- property repair and replacement costs
- counseling costs resulting from the crime

Costs of crime and damages a victim might be able to get in civil court but for which restitution cannot be ordered in criminal court include:

- punitive damages
- damages for physical and mental pain
- loss of consortium

Restitution can be paid to people or organizations other than direct victims of crime. For example, relatives and charitable or government organizations who pay a victim’s medical bills or funeral costs can receive restitution.

If unsure of whether restitution can be ordered for an expense, it does little harm to ask for restitution and see what a court decides.

### Restitution, Surcharges, and Compensation

Neither surcharges nor compensation should be confused with restitution. Surcharge is a mandatory payment offenders make to the Wyoming Crime Victims Compensation Fund. Victims can apply for compensation by sending an application to the Division of Victim Services. The Division reviews the application and, if approved, a victim’s qualified expenses will be paid for with monies from the Crime Victims Compensation Fund.

### Requesting Restitution

According to *W.S. 7-9-103*, it is the victim’s responsibility to submit a restitution request to the prosecutor. The prosecutor should then present the request to the court during sentencing. Victims and victim advocates still need to be involved in the process to ensure that restitution is requested. Restitution cannot be ordered after the sentence is finalized.

Most criminal cases are resolved by plea agreements. Some plea agreements can be made within days of the crime. This may leave little opportunity for victims to find out how much expenses are, and little time to get a restitution request made. Therefore, speed in making the request is an important concern.



### Information in the Request

Because the court sets the amount of the restitution order at sentencing, the most important information to provide in the request is amounts for expenses due to the crime. The ideal way to do this is with receipts. If receipts are not available at sentencing, submitting estimates by service providers is a possible alternative. Estimated costs are always allowed in determining restitution amounts for long-term medical and mental health expenses.

### Victims Impact Statements and Restitution

In theory, Victim Impact Statements are another opportunity for victims to request restitution. Impact statements can be written or oral and, according to *W.S. 7-21-102(c)(iii)*, can include an explanation of the need and extent of restitution.

There are two potential opportunities for victims to make impact statements. One is at a sentencing hearing done after the offender is convicted. The other is as part of the pre-sentence investigation (PSI) done on the offender. The opportunity for a victim’s restitution request to be considered as part of a PSI is mainly limited to felony cases.

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