



## CUYAHOGA COUNTY JUVENILE COURT

### Know Your Rights:

#### Restitution under Ohio Law in Cases Involving Juveniles

#### **I am a victim of a crime involving a juvenile offender. How do I let the court know I am seeking restitution?**

If you have damages resulting from being a victim of a crime you may have various options to help in receiving restitution. It is important to let the prosecutor and appropriate court personnel know you are seeking restitution.

##### ***For cases referred to Diversion***

If the case is being reviewed for diversion, the reviewing prosecutor will be reaching out to you. Make sure to let the prosecutor and court diversion representative know you are seeking restitution. Ultimately, the Court Early Intervention and Diversion Center (EIDC) handles all restitution issues for incidences approved for diversion.

##### ***For case formally filed with the Court***

If the case is formally filed with the Court, it is important for the Prosecutor's Office and Courtroom to know you are seeking restitution; such that this can be addressed by the court as a part of the delinquency case. If the damages or restitution amounts are contested by offender, a hearing may need to be conducted in which you may be called as a witness to testify as to the damages you suffered and the costs incurred as a result. If you are seeking an Order of restitution in a pending delinquency case, we encourage you to:

- Fill out the Victim Impact Statement sent to you by the Prosecutor's Office and return it along with any supporting documentation either to the Clerk's Office on the 2<sup>nd</sup> floor of the courthouse OR the Prosecutor's Office (Juvenile Division) located on the 4<sup>th</sup> floor of the courthouse;
- You may also raise the issue when addressed in the courtroom as well, but make sure to bring with you any supporting documentation with you.

#### **I received an Order of restitution from the Juvenile Court, now what?**

The law requires the court to order restitution regardless of whether the juvenile offender actually has the present ability to pay it or not. Further the law does not allow a Juvenile Court to order a juvenile's parents pay for their child's restitution orders.

An order of restitution that is issued and reduced to judgment preserves your right and ability to seek collections of that amount through a court, but in no way does an order of restitution guarantee you will receive payment. Under the law, collection of the Judgment falls to you as the recipient of that judgment.

### **Juvenile Court Assistance**

The Court currently has a program funded by state and local funds called the Victim Aid Restitution Program (VARP); which, if the youth is eligible and it is ordered the Judge or Magistrate, allows a juvenile to do community service hours and then a check is issued from the Court to the victim for up to \$400.00 in restitution (per case).

In cases in which the youth is also placed on probation for the underlying offense, the probation department will make efforts to have the youth seek employment and make payments towards restitution. However a youth may still be terminated from probation even if there remains an amount of restitution outstanding. Neither the probation department nor the court is a collections agency.

### **Civil Collections**

Once case has completed, you can request a Certificate of Judgment from the Juvenile Court (verifying for other courts that the Judgment was issued) and file that with a Common Pleas General Division or Municipal Court of proper jurisdiction to seek payments through the civil collections process. If you are unfamiliar with the civil collections process, you may want to consult a collections attorney to assist you in this process.

### **I don't believe the juvenile will ever be able to pay the amount of damages suffered, do I have any other remedies that can assist me being made whole?**

- If you are a victim of a violent crime you may also be able to apply for victim compensation through the Ohio Attorney General Victims of Crime Fund:  
<https://www.ohioattorneygeneral.gov/individuals-and-families/victims/apply-for-victims-compensation>
- You may also wish to speak to an attorney that specializes in collections actions see what additional remedies if any may be afforded to you