

## RESTITUTION CAVEATS

- Restitution **cannot** be ordered for expenses that are being paid by another source, for example, insurance claim, a small claims action, a civil action or an award for payment through the Office of Victim Services, Victim Compensation Program.
- Restitution may be ordered for reimbursement for an insurance deductible.
- Restitution payments are often paid by a monthly payment plan, rather than a lump sum payment.
- All restitution requests must be substantiated with receipts, estimates, appraisals, etc.
- While the criminal justice system should do all it can to collect the full restitution, it is possible that restitution, in some cases, may not get paid.

*“The most precious things in life are not those you get for money.”*

- Albert Einstein



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## RESTITUTION

*Crime victims have a State Constitutional right to restitution which shall be enforceable in the same manner as any other cause of action or otherwise provided by law.*





## WHAT IS RESTITUTION?

*Restitution is an order by the criminal court for the offender to pay the victim of the crime for any expenses the victim incurred as a result of the crime.*

*Restitution ordered by the criminal court shall be based on easily ascertainable damages for injury or loss of property, actual expenses incurred for treatment for injury to persons and lost wages resulting from injury.*

*Restitution **shall not** include reimbursement for damages for mental anguish, pain and suffering or other intangible losses, but may include the costs of counseling reasonably related to the offense.*

*Restitution is often ordered as a condition of the defendant's probation. Payments are directed to the Restitution Unit, Judicial Branch, and processed for payment to the victim.*

## RESTITUTION

*Pursuant to Connecticut General Statutes:*

§ 53a-28, in addition to any sentence imposed, if:

- a person is convicted of an offense that resulted in injury to another person or damage to or loss of property;
- the victim requests financial restitution; **AND**
- the court finds that the victim has suffered injury or damage to or loss of property as a result of such offense,

the court shall order the offender to make financial restitution under terms that it determines are appropriate.

In determining the appropriate terms of financial restitution, the court shall consider the financial resources of the offender and the burden restitution will place on other obligations of the offender, the offender's ability to pay based on installments or other conditions, the rehabilitative effect on the offender of the payment of restitution and the method of payment and other circumstances, including the financial burden and impact on the victim, that the court determines make the terms of restitution appropriate.

## ENFORCEMENT OF RESTITUTION ORDERS

*Pursuant to Connecticut General Statutes:*

§ 53a-28a, all restitution orders may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the obligation is owed. The party seeking enforcement of the financial obligations as a judgment in a civil action shall file with the Superior court a copy of the court's order of restitution (**form JD-CR-130**), together with an affidavit prepared by the agency monitoring payment of the obligations attesting to the terms of restitution, identifying the amount that has been paid and the amount that is owed. Such obligations may be enforced at any time during the 20 year period following the offender's release from confinement or not later than 20 years after the entry of the order and sentence, whichever is longer. There is no entry fee for filing an enforcement action.

*\* This summary of legal rights is subject to the full text of the statutes. Victims are entitled to rights as set forth in the statutes. If you don't understand your legal rights, you may wish to speak with an attorney or contact the OVA staff.*